


THE SEWELLS IN THE
NEW WORLD



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SIR HECTOR LIVINGSTON DUFF, K.B.E., C.M.G.

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BY

SIR HECTOR L. DUFF, K.B.E., C.M.G.

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CONTENTS.

	PAGE
PREFACE - - - - -	ix
CHAPTER I.—WILLIAM SEWELL THE FOUNDER AND HIS SON, HENRY SEWELL THE FIRST, <i>circa</i> 1500-1628 - - - - -	I
CHAPTER II.—HENRY SEWELL THE SECOND AND THIRD, AND THEIR MIGRATION TO THE NEW WORLD, 1576-1700 - - - - -	13
CHAPTER III.—MAJOR STEPHEN SEWELL; HIS BROTHER SAMUEL, CHIEF JUSTICE OF MASSACHUSETTS, AND THE TRAGEDY OF SALEM, 1652-1725 - - -	25
CHAPTER IV.—JONATHAN SEWELL THE FIRST AND SECOND, AND THE AMERICAN WAR OF INDEPENDENCE, 1692-1796 - - - - -	41
CHAPTER V.—JONATHAN SEWELL THE THIRD: THE GREAT CHIEF JUSTICE, 1766-1839 - - -	56
CHAPTER VI.—WILLIAM SEWELL, THE SHERIFF, AND HIS DESCENDANTS - - - - -	82
CHAPTER VII.—THE HERALDRY OF SEWELL - - -	97
CHAPTER VIII.—THE HOUSE OF LIVINGSTON - - -	106

LIST OF ILLUSTRATIONS.

PORTRAIT OF THE AUTHOR	-	-	<i>frontispiece</i>
CHIEF JUSTICE THE HON. JONATHAN SEWELL, LL.D.	-	-	<i>to face page 80</i>
ALICE SEWELL, LADY RUSSELL	-	-	,, ,, 94
ARMS BORNE BY THE SEWELLS OF NEW ENGLAND (text)	-	-	<i>page 98</i>
SEWELL QUARTERING AS GRANTED BY THE HERALDS' COLLEGE (text)	-	-	,, 102
ARMS OF DUFF OF CLYDEBANK, WITH BADGE SHOWING THE ARMORIAL DEVICES OF SEWELL AND LIVINGSTON	-	-	,, 104



PREFACE.

This memoir does not profess to be, in any sense, a comprehensive history of the family to which it relates. It aims simply at recording my mother's lineal ancestry as far back as it can be traced with absolute certainty—that is from the days of Henry VII to our time—and at giving some account, though only in the barest outline, of those among her direct forbears whose lives have been specially distinguished or eventful. With collaterals I have scarcely attempted to deal at all, save in one case—that of Samuel Sewell, Chief Justice of Massachusetts, whose close connection with one of the greatest tragedies of the seventeenth century makes him a peculiarly impressive figure, and who stood, moreover, very near to our own main line of descent.

In thus restricting the scope of this little book I have been obliged, of course, to omit much that would have been interesting to other branches of the Sewell family. But in fixing the limitations of the present sketch, I have had to bear in mind that I am no genealogist and that the Sewells have ever been a prolific race. To follow all their complicated ramifications through the long period which this book covers would be far beyond me. Even the few notes here presented, confined as they are to a single genealogical stem, have been undertaken, less from any sense of fitness for such a task, than as a pious office, in deference to my dear mother's frequent request that I would attempt some memoir of her ancestors. During her life-time, being a very busy

man and living much abroad, I had no opportunity of doing so, and it was only when going through her family papers after her death in 1921 that I was reminded of the wish she had so often expressed, and resolved to do what I could to fulfil it.

In this purpose I have been much encouraged by the kind assistance given to me by my cousins, Colonel J. W. S. Sewell, C.M.G., Miss Cornelia Westrene Sewell, Miss Lucy Butt and Miss Mabel Sewell, and by Major Cyril Davenport and other connections and friends of my mother's family.

For the chapter dealing with the Lords Livingston of Callendar and their posterity I am very specially indebted to Mrs. James Glover, of Garrison, *née* Frances Livingston, and to Mr. E. B. Livingston, the gifted historian and genealogist, through whose good offices I have been able to trace clearly the channels through which the blood of that long-descended line has mixed with our own.

HECTOR LIVINGSTON DUFF.

CHAPTER I.

WILLIAM SEWELL THE FOUNDER AND HIS SON, HENRY SEWELL THE FIRST.

Circa 1500-1628.

I. The earliest of our maternal ancestors who can be authentically traced is William Sewell, who was born about the end of the fifteenth or early in the sixteenth century, in the reign of Henry VII, lived in Warwickshire, and married, in or before 1540, Matilda Horne of the same county. The family to which this lady belonged was of reputable descent, its pedigree being recorded in the rolls of the Warwickshire Visitation of 1619, and it is interesting to recall that there is a quartering of the arms of Sewell, granted by the Heralds' College to a collateral branch of our family, which is on this account enveloped in a charge from the armorial bearings of Horne, thus commemorating a descent of more than three hundred and fifty years.

II. Henry and William Sewell, sons of William and Matilda (Horne) Sewell above-mentioned, are the first members of the family about whom anything very definite is known. Both were tolerably successful in life, and the elder, Henry, our direct ancestor, evidently played a considerable part in the public affairs of his neighbourhood for, besides filling various offices of trust in the Shire of Warwick, he was Member of Parliament for Coventry and twice Mayor of that city.

Attempts have often been made to establish the

descent of this Henry Sewell and his father from much more ancient times and to claim kinship for them with the Sewells of Nether Eatonden in Warwickshire, who changed their family name to that of Shirley, on acquiring the manor of Shirley in Derbyshire, as long ago as the reign of Henry III, and were the ancestors of the Earls Ferrers of Chartley.

Although, however, a good deal of *prima facie* evidence has been shown in favour of this assumption, there is certainly not, in my view, sufficient solid ground to warrant us in accepting it as a fact. To carry any real weight a pedigree must be capable of irrefutable proof at every step. Directly it becomes mere matter of conjecture it loses all authority, and in these days, when so many upstarts are in the habit of concocting spurious genealogies, I prefer to keep on the safe side and assert no step of ancestry beyond what we can clearly maintain. It must suffice for us therefore to know—and it should be a legitimate source of pride to remember—that our maternal family was represented by a man of sufficiently high reputation to fill the responsible office of Mayor of an important English city and to represent it in Parliament at so great a distance of time as three hundred years ago, and more, when Elizabeth Tudor and James Stuart reigned, and when the progenitors of half the modern peerage were unknown.

Henry Sewell just mentioned, the first of three successive ancestors of that name who appear in our pedigree, was born in 1544. His lines seem to have fallen in pleasant places for there is evidence that he was well provided with the goods of this world from the time of his entry into it. He achieved a substantial fortune as a merchant, and married a well-dowered maiden of very respectable degree, to wit Margaret, daughter and co-heiress of Alverey Gresbrook, or Greysbroke (now

Grazebrook), of Stoke Hall, Middleton, in his own county of Warwick.

Henry Sewell's life centred almost exclusively about that shire and more particularly in the city of Coventry, of which, as already stated, he was twice elected Mayor and which he represented also in the English Parliament of 1620-22, when he was already seventy-six years old. He appears to have been an uncompromising Puritan in morals and religion. Among the old papers relating to him which have passed through my hands is a fragment of a letter, without beginning or end, referring to some disputation between King James I (of England) and the Puritan community of Coventry, touching the latter's habit of receiving the Sacrament standing, a practice which seems to have annoyed His Majesty to no small degree, and which Sewell had been prominent in maintaining and defending. One gathers indeed that the latter was eventually summoned to London to answer for his contumacy, but with what result there is no evidence to show.

Henry Sewell died in 1628, leaving two sons, namely, Henry (the elder) and Richard, besides two daughters, Anne and Margaret. His will, dated 1st September, 1624, is at Somerset House and is so curious and instructive that I offer no apology for quoting from it. It begins as follows:—

“ Henry Sewall of St. Michael's Parish, aged four score years, September 1st 1624.

“ Soule and boddy unto Almighty God my Creator, assuredly trusting in the death and obedience of his Sonne Jesus, my only Saviour, to have full remission of all my sinnes.

“ Of worldly goodes to Margaret, beloved wife, one annuity or rente-charge of £11 8s. (it must be remembered that this represented far more then than it would now)

issuing out of certain lands in Ansley now in tenure of Eliz : Throckmorton, to her and her assigns for ever.

“To Margaret aforesaid all lands, messuages, tenements in Coventry city and county and in Corley and Coundon,* Co. Warwick, in Radford, in Wethenfield and Stoke to said Margaret and her assigns for natural life.”

The will then goes on to devise to “Eldest sonne Henry Sewall” a large number of other lands, etc., “to hold them for life and then to heirs of his boddy,” but at the same time enjoins upon “Said sonne Henry, upon trust and confidence, as he will answeare it before ye Lord at ye Day of Judgement that he doe with all humilitie acknowledge his former offences committed against his Mother, before my overseers, to be content, And afterwards to continue obedient.”

Then follow gifts to “Richard Sewall, younger sonne,” of all lands, etc., “lately purchased of Richard Hales Esquire, with the Wyndeale (windmill?) there-upon” and other lands similarly purchased from three other persons whose names follow, together with “one messuage in Smithford Street and a tenement with stables called the Sextree in Cov:” (Coventry).

The testator’s eldest daughter Anne, “wife of Antonie Power,” gets another messuage “and a close or pasture called Filter’s Church, and a green merch adjoining called Tanfield Rene, and a close called Birchwalls, and two tenements in Bailie Lane”—and so on. Eleven pieces of land in all are given to this daughter.

To “Daughter Margaret” her father devises “Parcel of ground in Quarry Close, and all my close called Baronfield; three other closes and one quarteral (eight acres of arable land) in Stoke . . .,” etc., etc. No fewer than eighteen separate plots and houses are given to this daughter.

* Henry Sewell is described in various registers as “of Coundon,” so that he probably had considerable possessions in that neighbourhood.

Other devises follow of " Bishop's Palace in occupation of mee the testator," also of a number of gardens, with " two buildings used for stables," and so on " to Margaret (wife) for her natural life, then to her heirs, and failing these to the right heirs of mee the testator for ever."

The next clause directs the said Margaret to pay to her four children the sum of £20 every Michaelmas and Lady Day. Then comes a devise of a " message in Cook Street and two in Well Street " to someone whose name is not inserted, a blank being left for it. Similar blanks occur elsewhere in the will.

There is also a devise of certain other property to the testator's wife " Uppon trust and confidence that said Margaret will dispose the same to the use and behoof of my grand-children equally among them."

Then various sums of money are bequeathed " To Mayor, Bailiffs and Commonalty to be employed in (*blank*, probably the word " instruction " should be inserted here) of poore children in spinninge of jerseys " and for religious purposes.

Other devout and charitable gifts follow: " To Almsmen of Bablake, poore children of Bablake School, the Almsmen in Greyfriars Lane," etc., and ten shillings to the poor in every ward in Coventry, to be paid on the day of the testator's funeral.

At the end of the will a number of small donations are inserted, apparently to personal friends, servants, etc., *e.g.*, " To . . . Humphrie Barton fortie shillings . . . to Will Yowle a coat of cloth . . . to my loving kinsman Reginald Horne, gent, and my cosen John Horne, and Mr. Will Hancocke " various gifts and souvenirs. The three last-named are appointed "overseers" of the estate, and finally Margaret " beloved wife " is named as residuary legatee, executrix and administratrix.

Long as this will of Henry Sewell's is—I have given

only a few extracts from it—it is greatly exceeded by that of his younger brother William which, like Henry's, is filed at Somerset House and dated the same year (29th June, 1624).

William begins by modestly describing himself as "The unprofitable servant of God, weake in boddy but of goode memorie." He was evidently not less prosperous than Henry, for his testamentary gifts dispose of a great number of lands, closes, tenements, pastures, gardens, orchards and so forth, besides considerable sums of money, as money was reckoned in those days. Many of the minor legacies sound very quaintly, thus: "To Alice Barker, widow, a cartload of good hay for the rest of her naturall life," and certain moneys "for artillerie men to buy them powder." Anne Sewell, in addition to more valuable benefits, is offered her choice between "Three pictures or a stufte cloak lined with taffeta and faced with velvet." Another lady is presented with "£3. 5s. 8d. for a cup," and yet another, to wit "my sister Gibbons" gets "a ring on which my name shall bee engraved."

The Anne Sewell mentioned above was the testator's wife to whose memory there is (or was as late as 1877) an old brass still fixed on the south wall of St. Michael's Church, Coventry, representing a lady in a ruff, kneeling, with an inscription to the effect that she was "Ane humble follower of her Saviour Christ and a worthy stirror up of others to all holy vertues." Below this again the following lines are engraved:—

HER CONSTANT LOVE TO HUSBAND DEARE
 HER HARMLESS HARTE TO EVERIE ONE
 DOTH LIVE ALTHOUGH HER CORPS LYE HERE
 GOD GRAUNTE US ALL WHILE GLASSE DOTH RUN
 TO LIVE IN CHRISTE AS SHE HATH DONNE.

To go back for a moment to Henry Sewell. There is preserved at St. Mary's Hall, Coventry, and partly, I believe, at the Record Office in London, some quaint original correspondence between him and Christopher Warren and Henry Smyth, his predecessors in the mayoralty of Coventry, dated 1611, concerning some vexed question of a charter, affecting the interests of the City of Coventry, as to which a dispute seems to have arisen with the steward of the Manor of Cheylesmore. Early in 1611 Henry Sewell was in London trying to get this suit settled, and meeting with many delays and difficulties. Thus he writes to the then Mayor of Coventry that he and his associates have—

“Receyved very good wordes to our great contentment, but notwithstanding we have had dyvers referrences (*i.e.*, postponements) and be now referred until fryday or saturday . . . which is appoynted at St. James', where Mr. Stapleton and myself, God willing, doe purpose to give our attendances.”

He goes on to say:—

“Meantyme to give them satisfaction I have pawned my credit (*i.e.*, entered into a bond or recognisance) that he (the steward of Cheylesmore) shall never prove anny such election at ye Courte Leete of Chellsmore, for that I have perosed dyvers times ye aincyente courte rolles of ye said mannour Therefore it is thoughte convenyente that all ye said courte rolles be sent speedily with ye black booke to show unto ye prince's counsell our aincyent custome and usage of oure election, which as I take it hath been from ye first yeare of Henry Sixth (1422), and also ye charters of Randal Earle of Chester, that Mr. Stapleton did se and willed them to be put into a box.”

After asking for various other papers and records the letter ends:—

“Hoping shortly to have some conclusion of it (namely, the lawsuit) but I fear it will not be so speedely as I wold have it for s'trewth is I am wery of London.”

On July 9th of the same year (1611) we find Sewell writing again on the same subject to Henry Smyth who had then succeeded Christopher Warren in the mayoralty of Coventry.

“I have procured,” he says, “ye petition with ye additions of ye charter to be ingrossed and have conveyed them by an excellent penman into so short a style as can possyibly be performed.” This petition he then delivered “unto Sir Thomas Lake . . . promising him contentment for his paynes, who promised me that he wolde do his devoir for ye effecting of it.”

This Sir Thomas Lake* was a Principal Secretary of State whose good offices Sewell wished to retain but the negotiations to that end were for some time delayed by a difference of opinion between the two men regarding the honorarium to be paid to Lake.

“Uppon monday,” writes Sewell, “he (Lake) began to enter into speaches with me to understand of me what contentment I wolde give him for his paynes.” The cautious old Puritan thereupon named a sum at which Lake “seamed to be greatlie discontented,” and after some further discussion they separated without coming to any agreement, Sewell “departing from him greatlie perplexed.”

* Bernard Burke, in his *Anecdotes of the Aristocracy*, gives some account of the part afterwards played by this Sir Thomas Lake in the “Conspiracy of Ladies Lake and de Roos,” which was in effect a criminal libel case. Lake himself seems to have been a comparatively innocent party in this affair and to have been drawn into it chiefly by a desire to shield his wife, but the consequences were disastrous to him for he lost thereby “his master's (the King's) favour and his offices of honour and gain,” besides being mulcted in fines and costs amounting to thirty thousand pounds.

Such indeed was Henry's concern about this hitch that he seems to have lain awake to consider how it could be overcome.

"In the night," his letter continues, "I remembered myself of Mr. Cartwright that had greatlie pleased me in my last sute before ye Kings attorney. I repayed unto him earlie in ye morning and disclosed ye whole matter unto him, requesting his paynes unto Sir Thomas Lakes house."

This mediation proved so far successful that, "after great conference had with him by Mr. Cartwright," Lake agreed to accept a fee somewhat less than he had originally demanded, Sewell on his part expressing his personal willingness to come to terms on this basis, yet still with a characteristic reservation.

"I tolde him," his letter states, "that I wolde not absolutely conclude to give him so muche without ye consent of Mr. Mayor and his brethren, for I was but as one putt in Truste . . . and that he sholde be answered uppon monday nexte at ye furthest."

These negotiations with Lake seem to have been rather an eye-opener for old Henry, who remarks naively:—

"I do now well perceave that mocions in all courtes are dearer than heretofore." The letter concludes by observing that the King, then at "tybalds (Theobalds ?) goeth in progresse very shortly ; therefore I pray you return your answere although the money do not be sent so presently because I wolde not lose time for ye Kynge's refference before he go in progresse for that it will be more chargeable (*i.e.*, expensive) in ffollowing him . . . as you well knowe."

The Mayor of Coventry replied to the above letter on October 18th, reporting apparently some new machinations of the opposite party for on October 22nd we find Henry Sewell acknowledging this information, "wherein,"

says he, "I do perceave the malicious purpose of ye common enemies which, God willing, I will with my best indeavour look unto." With this object he states he has "acquaynted Mr. Stapleton who will procure his best friends about my Lord Chancellor and have an eye unto them."

The mounting costs of the suit still seem to worry Henry, for referring to the "Peticion" he ruefully observes that it "contayneth about 200 shetes of paper which will cost xxli (£20) besides the penmans ffee . . ." He is also disappointed with the result of "the hearinge of our Additions redd" before the Attorney General, "part whereof he allowed and part reiected. But," adds Henry stoutly, "I will not so leave him for I intend to move Mr. Cartwright in our behalf." Evidently, however, he has not much hope of getting these costs substantially reduced. "I will do my best Indeavours," he says, "but I feare 100li (pounds) will not cover it."

He goes on to request the Mayor of Coventry to supply him with funds to meet various incidental obligations, some of which it seems he had already defrayed out of his own pocket, while others he had succeeded in putting off, as for example, "Mr. Westons chief clarke that Mr. Stapleton wolde have me remember with xli, but I deffered it until a fitter time."

From letters such as these, together with his will and other evidence, we can form a tolerably clear idea of Henry Sewell's character, and taken for all in all it must have been both an upright and a lovable one. The characteristic instincts of the Puritan are not less apparent in the devout language of his letters with their frequent references to the Almighty, than in his eminently methodical way of dealing with the affairs of this world, and a certain sturdiness in resisting anything which he conceived to be oppressive. Upon this score, though

a thoroughly loyal subject, he did not fear to take his stand, when necessary, even against sovereigns so autocratic as Elizabeth and James I, in whose reigns he lived. Thus in 1597 we find him, with certain others, protesting against the levy upon Coventry, of a contribution "for the charge of 100 soldiers," declaring roundly that he "mislikes the appoyntment," and that the sheriffs "have no warrant to lay it." Yet whenever he thus asserts himself it is always upon principle and in the discharge of what he believes to be his duty. The peculiar thriftiness in money transactions disclosed in the correspondence about the law-suit, above quoted, is to be attributed to the same sense of responsibility. Henry Sewell was acting in this suit, not for himself but for the citizens of Coventry, who had commissioned him to do the best he could for their interests. As he says himself, he was "but as one putt in Truste." So when he goes to such "paynes" to beat down Sir Thomas Lake in the matter of fees and the Attorney-General in that of the "Additions," we must remember that he was thinking not of his own pocket but of his duty to his beloved city and her burgesses, on whose behalf he had come to London. The jealousy with which he guarded their funds throughout the long negotiations recorded in his letters does him all the more credit, because in private life we know him to have been a man of unflinching generosity.

As a husband and father he was beyond reproach. His devotion to "Margaret, beloved wife" is touchingly shown, not only in the affectionate quality of his language whenever he has occasion to refer to her but more especially in the minute forethought for her interests displayed in his will, whereby, after giving her a modest rent-charge by way of pin-money at her absolute disposal, he secures to her annuities amply sufficient for her

comfort during the remainder of her days, makes her trustee of other funds for his children, appoints her sole executrix and administratrix of his estate, and seeks to fortify her maternal authority by binding her unruly son Henry "as he shall answeare for it at ye Day of Judgment" to do formal penitence for his previous offences against her and to honour and obey her ever after.

A sterling figure of a man this, however you look at him. Not a dashing type, certainly—rather slow and prosaic in his ways, perhaps, and yet withal so loyal and so fearless, so simple, so honest, so tender to the poor and weak, so trustful in his God—of such in those days was the Kingdom of England.

CHAPTER II.

HENRY SEWELL THE SECOND AND THIRD
AND THEIR MIGRATION TO THE NEW WORLD.

1576-1700.

" See in the path our hands have cleared
The thronging nations follow free
Our beacons, set on cape and island,
Their guide and goal shall be."

(The Pioneers.)

III. Henry Sewell the Second, eldest son of the first Henry, was born at Coventry in 1576; or, at any rate, he was baptized in St. Michael's Church there on April 8th of that year. Like his father before him, he was a man of substance for, besides inheriting a large part of old Henry's property, he followed the paternal example by taking to himself a well-to-do spouse in the person of Mary, daughter and heiress of Thomas Cawarden, of Manesgyn, Ridware. This match was probably arranged by the parents on either side, for both parties to it were very young at the time, Mary Cawarden indeed scarcely more than a child. Her life, poor girl, was destined to be a very short one: she died without issue before she was twenty, and her husband, in due course, married a second wife, Anne Hunt, by whom he had an only son, of whom more hereafter.

The second Henry Sewell, from all that we can learn about him, must have been a hot-tempered sort of fellow, with a specially pronounced faculty for picking

quarrels with his own relations. As we have seen already, he was directed to apologise to his mother, under the terms of his father's will, for his "previous offences" against her. Whether he did this or not there is nothing to show—very likely he did, but he certainly failed to carry out that part of the paternal injunction which bade him "continue obedient," for Professor Salusbury, in the biographical sketch of the family which appears in his *New England Pedigrees*, says that Margaret Sewell had occasion soon afterwards to complain most bitterly of this son's behaviour towards her, and eventually went so far as to cut him out of all property over which she had a testamentary power of disposal, a step which she would hardly have taken without very serious grounds, for, from what we know of her, she seems to have been a good and affectionate woman.

Not content with this unhappy rupture, Henry next proceeded to fall out with his younger brother, Richard, with whom he remained at feud for a considerable time; on what grounds is not clearly apparent, though they were probably connected with Henry's treatment of his mother. He also had a protracted squabble with his relative by marriage, Sir William Dugdale, then Garter King of Arms,* about certain armorial bearings which Henry Sewell claimed, but his title to which Dugdale refused to admit. What these arms were does not appear, but they may well have been those to which Henry's branch of the Sewell family has persistently asserted its right for over three hundred years, and which are still a matter of controversy, more or less, between them

* Richard Sewell had married Mary Dugdale, Sir William's only sister: see Hamper's *Life of Sir William Dugdale*. This Richard is referred to in contemporary documents as "of Corley, gentleman." The Sewell lands of Corley had been devised by the first Henry to his wife and her assigns for life, so that Richard Sewell doubtless held them from his mother.

and the Heralds' College, to wit: "Sable; a chevron between three bees volant, argent." As to this, see Chapter VII, where I have dealt more fully with this vexed question.

How the froward and unruly Henry got on with his sisters is not known—they married early, so he probably saw little of them—but, as I have shown, he managed to embroil himself, sooner or later, with every other member of his family, besides which we may be pretty sure that a man of his irritable temper must have had plenty of quarrels outside the circle of his own kinsfolk, so that his life at this time can hardly have been a very happy one. Other troubles, moreover, were soon to be added to these private grievances. It was during the life-time of this Henry Sewell that the oppressions and exactions of Charles I reached their maximum, and, unfortunately for Henry, he belonged to precisely that rank of society which had then most to fear from the rapacity of kings; in other words, he was too wealthy to escape the attention of the royal tax-gatherers, yet, at the same time, without sufficient influence at Court to protest against their depredations with any hope of success.

That he was unmercifully plundered we may be sure, yet it was not alone the pecuniary sacrifices he had to endure that distressed and exasperated him. Like all his family he was passionately attached to those principles of civil and religious freedom which the Stuarts so consistently violated. The whole political atmosphere of his age, permeated as it was with the doctrine of the divine authority of kings and the negation of popular rights, was odious to him, and he seems to have come at last to the melancholy conclusion that England was no longer a country in which a man should be content to live who had anything to lose, whether self-respect or money.

He was by this time getting on in years—nearly sixty, in fact—and does not seem at first to have contemplated emigration himself. But he was determined that his only son and namesake, the third Henry Sewell, should try his fortune in some country which offered more promise of liberty than his own. In that same year, therefore, having supplied the boy with ample funds and with every material provision necessary to the founding of a new settlement, he gave him his blessing and despatched him to the American colonies.

IV. Henry, junior, only too pleased, we may be sure, to fall in with a project so adventurous (he was then a youth of twenty) took passage in due course on the good ship *Elizabeth and Dorcas* bound for the port of Boston in Massachusetts. Singularly enough, about that same time, and it may have been on that very vessel, two other emigrants were to have sailed, whose departure, had it been allowed to take effect, must have changed the history of England; but at the last moment they were stopped by royal order. Little did poor King Charles guess when he signed that decree what its consequences were to prove. Of all the unlucky acts of his ill-starred reign indeed, that was perhaps the most fatal to his person and dynasty, for the names of the two men he so detained were John Hampden and Oliver Cromwell.

Henry Sewell the younger duly arrived in Massachusetts towards the end of 1634, and having acquired an estate of land at Newbury in that province soon made himself completely at home there. No doubt he wrote, from time to time, to his father in Warwickshire, expatiating on the attractions of this wonderful New England beyond the seas, and contrasting the pleasant freedom of Colonial life, and the boundless opportunities then offered by America, with the wretchedly unsatisfactory conditions obtaining in the old country.

We can imagine the growing interest with which Henry the elder at Coventry must have read these enthusiastic letters. Affairs in Great Britain were going from bad to worse. Popular liberties had never been so seriously threatened since the time of Magna Charta, and it was evident that the constantly increasing friction between King Charles and his people must soon plunge the country into civil war. Pondering over this comfortless prospect, the idea seems gradually to have shaped itself in the elder Sewell's mind that the disadvantages of emigration at his time of life were, after all, less than must attach to remaining in England at such a time. He could fulfil no useful public purpose in the struggle then pending there for he was too old to bear arms, and with his only son on the other side of the Atlantic and his only brother dead,* no close domestic ties survived to keep him in the land of his birth. Why not cut adrift then from the troubles and anxieties which beset him in Warwickshire; realise his capital while it was yet possible to do so and join his boy in distant Massachusetts, where he could still hope to spend the evening of his days in peace?

We may assume that he wrote eventually to Henry junior proposing this step and that the younger man approved it. At any rate, in or about 1640 the elder Henry and his wife Anne finally quitted England for Massachusetts, where the former, soon afterwards, purchased an estate of land at Rowley, near the plantation and homestead which his son had already formed at Newbury in the same province. To betake himself to such a new and strange country as the North America of 1640 was no light enterprise for a man in his sixty-fifth year, but Henry Sewell never had cause to regret it.

* Richard Sewell predeceased his brother Henry by many years.

He and his wife seem to have lived quite happily at Rowley, and it was there seventeen years later that he died at the ripe age of eighty-one. Meanwhile the making of history on a tragic scale had proceeded apace in England. The Civil War had come and gone; Charles I had perished on the scaffold with a dignity and courage which have gone far to redeem his memory, and the Stuart monarchy had been replaced by the Protectorate of Oliver Cromwell.

To old Henry Sewell, dreaming in his armchair at Rowley, the noise of these great events can only have come as an echo out of the turbulent world in which he had once lived, stirring long memories we may be sure, quickening for a moment the embers of ancient sympathies and prejudices, yet powerless otherwise to disturb the tenour of his declining life. But lightly as these political changes passed over him they were not without a very direct and material influence on the affairs of his son. In 1646, twelve years after his first arrival in America, this son, the third Henry Sewell, had married Jane, daughter of Stephen and Alice Dummer, who lived close to his own estate at Newbury. These same Dummers or Pyldien-Dummers (the first surname had been dropped some time before) came of such an ancient stock that perhaps a few words about them, in passing, may not be without interest.

Stephen Dummer, the father-in-law of Henry Sewell, was a younger brother of Thomas Dummer, of Dummer Park in Hampshire, and a kinsman of the Dummers of Durley, Cranbury Park, Overton, and other places in that county, where one of their ancestors, Robert Dummer, had been "Lord of the Manor and patron of the Church of Dummer" as long ago as 1462. Professor Edward Salusbury, indeed, in his "Seventeen Pedigrees" of the principal families of New England, which include

both the Dummers and the Sewells, traces the genealogy of the former up to Ralph de Domer who flourished in the twelfth century and married "Agnes de la Penne, heiress of Penne in Somersetshire, afterwards known as Pendomer (Penne Domei)." However that may be, the Pyldren-Dummers were undoubtedly people of very good standing among the English rural aristocracy for many centuries, and the record of their alliances shows them to have been interlinked with some of the most honourable families in the realm, including among others the almost immemorial Norman House of Knightley, so picturesquely represented in our own time by the late Rainald, Lord Knightley of Fawsley.

It seems that Stephen Dummer and his wife Alice (*née* Archer) had emigrated from Old to New England, like their son-in-law, for political reasons, but, unlike him, they never took kindly to North America, finding the climate too severe for them, and made no secret of their intention to return to their native country if a favourable chance should offer. With the overthrow of the Stuart dynasty this opportunity came at last, and Stephen and Alice Dummer prepared to quit Massachusetts. Their daughter Jane, however, now Mrs. Sewell, who was fondly attached to her parents and had but lately left their roof, could not bear the idea of parting from them so suddenly and completely. As to her husband, he would have been quite content probably to remain where he was for he was getting on well at Newbury, and his own father and mother were comfortably settled at Rowley near by, but we may suppose that, as a newly-married man, he was then too much in love to deny his bride anything, and in the upshot he agreed to accompany the old people back to England, taking her with him. In 1647 accordingly, all four left America together.

There are indications that Henry Sewell's intention at the time was merely to revisit his native country for a year or so, but in the end either his wife's persuasions or the drift of circumstances induced him to settle down there, and having entered into Holy Orders he was presented to the living of North Baddesley in Hampshire. During the next twelve years he and Mrs. Sewell continued to live in England, where five of their eight children, including all their three sons, were born, and, enjoying as they did the friendship and protection of Cromwell, there is little doubt that the couple would have ended their days in the rectory of Baddesley had the choice rested with them. But that inexorable fate which had originally driven the Sewells to America seems to have decreed that they should return and remain there. The way of this was as follows.

In 1657 old Henry Sewell of Rowley died and it became necessary for his son, now the Rev. Henry Sewell of Baddesley, to proceed once more to New England in order to take possession of his father's estate. With this purpose he repaired to Richard Cromwell, who had lately succeeded Oliver as Protector of the British Commonwealth, and obtained from him an autograph letter of recommendation to the official authorities in Massachusetts, reading as follows:—

“To the Governour and Magistrates of the Massytusick Colony.

“Loving Friends,

“We being given to understand that Henry Sewall of Rowley in Massytusick Bay in New England died about foure (one ?) yeare since possessed of an Estate of Lands and Goodes in the Colony aforesaid, and that the said Estate did and ought to descend and come unto his own son Henry Sewall, Minister of North Baddesley in our

county of South Hampton in England, who purposing to make a voyage into New England, there personally to make clayme to his said Estate, hath desired our lycence for his absence, and also our letters recommendatory unto you that when (by the help of God) he shall be arrived in New England he may have speedy Justice and Right done him concerning the said Estate, that so he may the sooner return to his charge at North Baddesley, and he being personally known to us (etc., etc., some complimentary observations regarding Sewell's character follow) we do earnestly desire that when he shall make his Addresses to you, he may receive all lawful favour and furtherance from you for the speedy despatch of his business according to Justice and Equity, that soe he may the more expeditiously return to his said charge, which we shall esteem as a particular respect done to us, and shall be ready to acknowledge and return the same, upon any occasion wherein we may procure further your Good and Welfare which wee heartily wish and pray for and 1est your

“ Very loving Friend

“ RICHARD P.

“ Whitehall. 23 March, 1658.”

Leaving his wife and children at Baddesley, Henry Sewell now sailed for Massachusetts once more, arriving there either in 1658 or early in 1659. That nothing beyond a short absence was in his mind on this occasion is plainly shown by the terms of Cromwell's letter, and, armed with a recommendation so powerful he expected no doubt to be back in Hampshire within a few months. But destiny, which is so fond of playing havoc with human designs, had ordained that he should never see England again. Scarcely indeed had he landed in Massachusetts when he received the unexpected tidings of Richard

Cromwell's abdication. This itself was portentous news for the Cromwells had always been steadfast friends of his family, and their influence in England meant everything to Sewell. But worse, from his point of view at any rate, was to come, for the fall of Richard Cromwell was followed almost at once by the irretrievable collapse of Puritan predominance in England and by the restoration of the Stuart dynasty in the person of Charles II.

It was perhaps as well for Henry at this juncture that he happened to find himself on the other side of the Atlantic. The inconstant tide of popular sentiment which, ten years before, had hailed the Roundheads as the saviours of their country now ran violently against them, and, though Sewell had had nothing to do with the late revolution, yet as a conspicuous Puritan both by blood and faith, and a known friend of the Cromwells, his prospects in England were now gloomy indeed. Nor, to do him justice, was he the man to retrieve them by bowing the knee to Mammon, as he would probably have called it. To the Crown, as an institution, the Sewells had, and always have been, faithful, and Henry's descendants were destined to serve the Guelphs as loyally as his ancestors had served the Tudors. But his race could not breathe the same air as the Stuarts. It is difficult at this distance of time to appreciate clearly the extraordinary depth and strength of this antipathy or the causes in which it was founded. The peculiar qualities which distinguished the Puritan character are now rarely met with, at any rate in the extreme form which marked them in the seventeenth century, nor is it easy for our generation, with its happy experience of monarchical rule, to realise how utterly the whole attitude and practice of the Stuart Kings of England differed from that of the constitutional sovereigns under whom our own lives have been spent. To feel a certain sympathy

for the memory of the most romantic and unhappy of all dynasties is natural enough; to judge its frailties as leniently as we can is but decent. There must in truth have been something in the nature of the Stuarts wonderfully attractive to ordinary people, seeing that nearly all families whose history can be traced back to their time, including many branches of our own, can point to ancestors who gladly suffered to the death for the princes of that house. But for men who held to Puritan principles in their most uncompromising shape, as Henry Sewell did, perpetual exile was preferable to living under the immediate rule of such a monarch as Charles the Second.

What his wife thought about it we do not know, but in obedience to her husband's summons she quitted England with her children soon after the Restoration, and rejoined him in Massachusetts, where they settled down at Newbury again—this time for the remainder of their lives. Henry Sewell is said to have been one of the largest landowners in Massachusetts in his day, and this was probably the case, for, besides the plantation which he had purchased there on his first arrival in 1634, when land was so cheap that great acreages could be acquired at a comparatively modest cost, he had since succeeded by inheritance to his father's estate of Rowley. He seems to have cut a considerable figure in the public affairs of the colony and represented Newbury in the General Council on four separate occasions, in 1661, 1663, 1668 and 1670, dying on the 16th May, 1700, at the ripe age of eighty-six. His widow, thus bereft of the mate whose life she had shared for no less than fifty-four years, followed him to the grave only eight months later, on the 13th January, 1701.

The resting place of this devoted couple in the family burying ground at Newbury is still marked by an old

stone, erected by their eldest son, Samuel Sewell, Chief Justice of Massachusetts, which bears the following inscription :—

HENRY SEWALL SENT BY HENRY SEWALL HIS FATHER
 IN THE SHIP ELIZABETH AND DORCAS, CAPT. WATT
 COMMANDER
 ARRIVED AT BOSTON 1634
 WINTERED AT IPSWICH, HELPED BEGIN THIS PLANTATION
 1635,
 FURNISHING ENGLISH SERVANTS, CATTLE AND PROVISIONS
 MARRIED MISTRESS JANE DUMMER, MARCH 26, 1646
 DIED MAY 16. 1700. AETATIS 86.
 HIS FRUITFUL VINE BEING THUS DISJOINED
 FELL TO THE GROUND JANUARY 13 FOLLOWING, AETATIS 74.
Psalm 27. 10.

CHAPTER III.

MAJOR STEPHEN SEWELL; HIS BROTHER
SAMUEL, CHIEF JUSTICE OF MASSACHUSETTS,
AND THE TRAGEDY OF SALEM.

1652-1725.

The metaphor on Mrs. Henry Sewell's tombstone which likens her to a fruitful vine was not altogether undeserved, for, although far outdone in that way by many other ladies of the family, she presented her husband with eight surviving children, three sons and five daughters, all of whom grew up to vigorous maturity, married, and replenished the earth in their turn.

From these three sons, of whom the youngest, Stephen, was our direct ancestor, sprang the numerous array of Sewells who have since spread far and wide over the States of New England and the adjacent Dominion of Canada, and whose blood has been mixed, at different times—in some cases twice and thrice over—with that of the de Quincys, the Wendells, the Livingstons, and almost every contemporary family of repute in that part of the American continent. I do not propose to trace in detail any of the collateral lines which originated from Stephen's brothers and sisters, for on the whole they are more respectable than interesting, and besides—what is more to the point—any attempt to follow them down to the present day would expand what is meant to be a simple outline of our own maternal pedigree into

almost interminable ramifications. There are, however, among these collateral forbears of ours, a few so eminent that even these notes would hardly be complete without some reference to them, and therefore, before going on to speak more particularly of our own progenitor Stephen and his descendants, I will devote a little space to his more distinguished elder brother, Samuel.

This Samuel Sewell then, the eldest son of the third Henry, was born on the 28th March, 1652, at North Baddesley in Hampshire, and came to America with his mother as we have seen when she left England after the Restoration to join her husband in Massachusetts. At that time Samuel was nine years old. We know little about his childhood and youth except that he showed from the first uncommon intelligence and a remarkably gentle and forbearing disposition.

I may observe here that the stock of the Sewells, all through its history, has tended to evolve two curiously distinct and indeed strongly contrasted types, both of them frank and upright, but the one characteristically mild, the other highly impulsive and choleric. I have often heard my dear mother speak, half sadly, half in amusement, of "the Sewell temper," as if it were some visitation of Providence and, as such, a sufficient explanation of any eccentricity on the part of members of her family. Something of this impetuosity we have seen in the character of the second Henry Sewell which I have already described, and it recurs in a marked degree in many of his descendants, notably in his great-great-grandson, the second Jonathan (see Chapter IV, *infra*), whose passionate temper mixed all his days with bitterness, neutralized the effect of his great talents and went far to ruin his career. On the other hand, the first and third Henrys and likewise the most distinguished of all the New England Sewells, the third Jonathan (see

Chapter V, *infra*) were men of pre-eminently sweet and equable dispositions, and it is with them, in this respect, that the Samuel Sewell of whom I am now speaking must be classed.

During many years everything went smoothly for him. The son of a well-to-do father, liked by everyone and gifted with great abilities, he quickly rose to eminence at the Bar, became a judge before he was forty, and married a very wealthy maiden, daughter of John Hull by his wife Judith de Quincy. Besides the large funds which she was to inherit at her parents' death Miss Hull brought her husband the handsome dowry of thirty thousand pounds down on her marriage. Curious to relate, the whole of this sum was paid in sixpenny pieces, from which we may infer that even in those remote times the "silver nuisance" had begun to make itself felt in America. Possessed thus of a fortune which, combined with his own means, would be regarded as substantial even in these days and which was worth far more than ; head of the judicature of his Province, and married to an amiable wife, Chief Justice Sewell's position was enviable indeed and must at the time have seemed as secure as anything human can be. Yet an event was even then at hand which was destined to change the whole course of his life, to destroy his peace of mind by the roots and to drive him into the seclusion of an anchorite. Not the malice of others ordained this, for if any man can be said truly to have had no enemies Samuel Sewell was he. Not failing powers of mind or body, for he kept all his faculties intact to the end of his days. Not pecuniary misfortune, for his great wealth remained untouched. It was by his own act and at the dictates of his own conscience, unprompted by any worldly hope or fear, that the Chief Justice, in the fulness of his powers, chose to sacrifice everything

that makes life dear to ordinary men and withdraw in penitence from the society of his fellows.

What brought this to pass was the notorious prosecution of the so-called witches of Salem in 1692; an incident which roused widespread attention at the time and which, after a lapse of more than two hundred years, is still remembered in the States of New England. It seems that Samuel Sewell's practice had never brought him in contact with a case of that nature before, and to a man of his kindly instincts it must have been extremely distasteful to be called upon suddenly, as he was, to preside over the most sensational witchcraft trial ever known. Still it was his duty; he could not escape from it and the proceedings took their appointed course, with the result that no fewer than nineteen persons were condemned to death and executed, while another expired under torture—inflicted presumably to extract a plea or confession.*

Horrible as this must appear to everyone now it was in strict accordance with the ideas of justice which obtained in those days and excited nothing but satisfaction and relief at the time among the citizens of Salem who no doubt congratulated themselves heartily on having rid their town of a set of miscreants in league with the devil. As to the Chief Justice, we are to remember that he did nothing more than give effect to the statute under which the accused had been indicted, as it was his judicial duty to do. Responsibility for the laws of a country lies with its legislature alone. The office of a judge, whether he happens to approve of any particular law or not, is simply to administer it without fear or favour, as it stands. It was in obedience to this principle

* This victim, an old man, was pressed to death by the form of torture known to the law in those days as "*La peine forte et dure.*"

which had been deeply ingrained in him by all the training and practice of his life that the Chief Justice forced himself to condemn the unhappy prisoners before him—but at what a cost to his own peace of mind this duty was performed will be appreciated from what followed.

It seems that Samuel Sewell had long entertained doubts as to whether the so-called evidence adduced at witchcraft trials was really worthy of credence and whether indeed the whole conception of intercourse between human beings and the powers of darkness might not after all be merely a hideous superstition—for alike in intelligence and humanity this man was far in advance of the age in which he lived. The question however had not presented itself to his attention in concrete shape until the Salem trials, and it was the painful impression then produced upon his mind which first led the Chief Justice to look beyond the law itself and to examine seriously the foundations of the terrible belief in which the statutes against witchcraft had their origin.

In the task which he so undertook Sewell knew that he could expect no help or sympathy from his fellows. The scruples and perplexities which beset him were not shared by them—would scarcely, indeed, have been intelligible to their minds. Nobody could be found in those days to support even a suggestion that the belief in witchcraft was ill-founded, and this was true not only of the general public but equally of the Chief Justice's colleagues on the Bench and of his subordinates at the Bar. So in the end, humbly committing his spirit to the guidance of the Almighty, this great and good man prepared, as all pioneers, whether of thought or action, must be prepared, to face the crucial moment of his life alone. How long his meditations lasted we do not know, but when he emerged from them his countenance

we are told had so changed that his best friends could hardly recognise him ; and no wonder, for he had come, too late, to the dreadful conclusion that he had allowed evidence to go to the jury which should have been excluded and that the prisoners of Salem had been wrongly convicted.

This in itself is a striking instance of the power of a noble mind to shake itself free from contemporary error, but rare as such prevision is, it is far rarer to find a man capable of pressing such conclusions against himself in the way that Sewell did. He might have found comfort in the reflection that the laws against witchcraft were not after all of his making. He might have directed his efforts simply towards obtaining their repeal or modification and towards assisting out of his private means the families of those who had unjustly suffered. Most men—even good and honest men—would have felt that in the circumstances they could do no more. But under all the gentleness of Sewell's demeanour there lay a deep vein of that indomitable austerity in matters of principle which has so conspicuously marked the Puritan character in every age and country. He seems to have told himself that the conclusion at which he had now arrived ought to have been reached long ago ; that he should have reflected more earnestly before allowing himself to preside at the Salem trials at all, and that in putting the letter of any human statute above the allegiance which he owed to his conscience he had been guilty of a deadly transgression for which no penance he could inflict upon himself would be deep enough to atone.

Whatever else we may think of this reasoning it is impossible not to admire its singular honesty of purpose or the unflinching courage with which the Chief Justice translated it into action. His first step was to go from

his house to the church in which he was accustomed to worship and there publicly abjure his error. For this purpose he had written and brought with him a formal confession and prayer which he attempted several times to recite aloud in the face of the assembled congregation but, his emotion overmastering him as we are told, he was obliged at last to hand the paper up to the presiding clergyman who thereupon read it for him from the pulpit. While this was being done the penitent judge remained standing. At the end he said: "May the good and gracious God be pleased to save New England and me and my family," beseeching those present to join their intercessions with his that the anger of the Most High might be averted.

It was Sewell's intention at that time to resign his judicial office, of which, in consequence of what had happened, he now felt himself to be unworthy, and though in the end he was induced to forego that decision he never appeared in public again save in so far as his duties required. In particular, the fatal day (the 29th of April) on which he had pronounced sentence of death upon the victims of the Salem trials, was set aside by him as an anniversary of special humiliation, and he spent it behind locked doors, upon his knees and fasting, as often as it recurred from then until the end of his life.

The amazement with which this recantation must have been heard by the citizens of Salem can be imagined, but after the first shock of astonishment had passed it began to stir strange searchings of the heart among those who had taken part in the recent proceedings. A long time elapsed before these misgivings took overt shape, but at last those who had given evidence at the trials came forward, one after another, and confessed to having borne testimony, while in a state of hysterical excitement and delusion, which they now recognised

to have been false. A tremendous revulsion of public feeling followed. Remorse and pity for the victims were blended with a universal fear that so dreadful a miscarriage of justice must bring down the vengeance of Heaven upon the colony of New England. Services of penitence and humiliation were held in all the churches. The sentence of religious excommunication pronounced against the sufferers was erased by formal order coupled with a petition "Humbly requesting the merciful God to pardon whatsoever sin, error or mistake was in the application of justice." Finally, those who had served on the jury drew up and signed the following confession—one of the most moving and tragic documents perhaps that was ever penned.

"We, whose names are undersigned, being, in the year 1692 called to serve as jurors in the Court of Salem, on trial of many who were suspected guilty of doing acts of witchcraft upon the bodies of sundry persons; we confess that we ourselves were not capable to understand, nor able to withstand, the mysterious delusions of the powers of darkness and prince of the air, but were for want of knowledge in ourselves, and better information from others, prevailed upon to take up with such evidence against the accused as, on further consideration, and better information, we justly fear was insufficient for the touching the lives of any, whereby we feel we have been instrumental with others, though ignorantly and unwittingly, to bring upon ourselves, and this people of the Lord, the guilt of innocent blood, which sin the Lord saith in Scripture, he would not pardon. We do therefore signify to all in general, and to the surviving sufferers in special, our deep sense of, and sorrow for, our errors, in acting on such evidence to the condemning of any person; and do hereby declare that we justly fear

that we were sadly deluded and mistaken, for which we are much disquieted and distressed in our minds, and do therefore humbly beg forgiveness, first of God, for Christ's sake, for this our error; and pray that God would not impute the guilt of it to ourselves nor others; and we also pray that we may be considered candidly and aright by the living sufferers, as being then under the power of a strong and general delusion, utterly unacquainted with, and not experienced in, matters of that nature.

“ We do heartily ask forgiveness of you all, whom we have justly offended; and do declare, according to our present minds, we would none of us do such things again on such grounds for the whole world; praying you to accept of this in way of satisfaction for our offence, and that you would bless the inheritance of the Lord, that he may be entreated for the land.

“ (Signed) Foreman. THOMAS FISK.”

Etc., etc.

This confession indicates plainly that the outburst against the so-called witches of Salem was in the nature of one of those sudden epidemics of contagious prejudice and terror which have caused some of the worst tragedies in history—“ a strong and general delusion,” as the confession itself says.

There is a well-known tale called “ Lois the Witch,” written by Mrs. Gaskell, the gifted authoress of “ Cranford,” and founded closely on fact, in which the story of the Salem prosecutions is unfolded with great skill and pathos. The young girl, Lois Barclay, from whose name this book derives its title, was one of those who suffered death. She was an orphan, but lately come from England to visit some relatives in Massachusetts, and was affianced at the time to a young man named Ralph

Lucy, a native of Barford in Warwickshire, where she herself had been born and bred.

Ralph Lucy came to America to claim his bride in the autumn of 1692, the very year of the Salem trials, only to learn, on his arrival, of the fate which the innocent maid had suffered while his ship was still at sea. The fury and despair of this unhappy lover are very well described in Mrs. Gaskell's account of the incident. He never married, and cherished for many years a most relentless bitterness against those who had bereft him. When, in England, long afterwards, the confessions of the witnesses and their earnest entreaties for forgiveness were laid before him, his unchanging answer was:—"It is in vain. No repentance of theirs can bring her back to me." So again, on being shown the paper which the jurors had signed he replied sullenly: "All their repentance will avail nothing to my Lois." And when finally he was told how Chief Justice Sewell had set apart a special day to mark his penitence and keep his sorrow fresh, Ralph Lucy answered as before: "All this will not bring my Lois to life again nor give me back the hope of my youth."

"But," says Mrs. Gaskell, "as Captain Holderness (to whom he was speaking) shook his head, Ralph added:

" 'What is the day, know you, that this Justice has set apart? ' "

" 'The twenty-ninth of April.' "

" 'Then on that day,' said he at last, 'will I, here at Barford in England, join my prayers as long as I live with the repentant judge, that his sin may be blotted out and no more had in remembrance. She would have willed it so.' "

The tragedy of the Salem persecutions has also been commemorated by the celebrated American poet, Whittier, in a set of verses entitled "The Vision of Samuel

Sewell." These verses are of very unequal merit and are in any case too long to quote in their entirety, but a few extracts may be of interest. The opening lines of the poem relate how Whittier, standing in the streets of modern Salem, falls into a reverie wherein the aspect of the town seems to change and assume the appearance which it bore in the old times when Samuel Sewell was Chief Justice. He describes how the shades of the ancient worthies of those days pass before him as in a dream clad in the quaint costumes of the age in which they lived, until, at last—

"Stately and slow with thoughtful air
His black cap hiding his whitened hair
Walks the Judge of the Great Assize,
Samuel Sewell, the good and wise ;
His face with lines of firmness wrought,
He wears the look of a man unbought.

Touching and sad the tale is told
Like a penitent hymn of the Psalms of old,
Of the fast which the good man life-long kept,
Of a haunting sorrow that never slept.

Of an error that left the sting of crime
When he sat on the Bench of the witchcraft courts
With the Law of Moses and Hale's Reports,
And spake in the name of both the word
That gave the witch's neck to the cord
And piled the oaken planks that pressed
The feeble life from the warlock's breast.
All day long from dawn to dawn
His door was bolted, his curtains drawn,
No foot on his silent threshold trod,
No eye beheld him save that of God.

Green for ever the memory be
Of that judge of the old Theocracy,
Whom even his errors glorified
Like far-seen sunlight on mountain side.
Praise and thanks for an honest man,
Glory to God for the Puritan."

The lofty estimate of Samuel Sewell's character which these verses reflect is corroborated by everything that others have written about him. Professor Salusbury, for example, quotes the following passage, from an author, whose name, unfortunately, does not appear:—

“A strong, gentle and great man was Samuel Sewell; great by almost every measure of greatness. He was a man built every way after a large pattern. By his great wealth, by his great offices, by his learning, his strong sense, his wit, his warm human sympathies, his fearlessness, his magnanimity, he was a veritable potentate among men.”

The same writer goes on to speak of that vivid compassion for the subject races of the earth and for all poor, oppressed and miserable folk, which was so typical of Sewell, and which distinguishes his memory the more brightly by contrast with the general intolerance of the age in which he lived. The blended courage and pity in his nature made him a powerful champion of the despised Red Indians of Massachusetts, and never, says our anonymous author, did those poor creatures have a wiser or more generous friend. So, too, he was one of the first men to denounce the crime of negro slavery—perhaps the very first of his status and authority, for remember this was in the early seventeenth century, a hundred and fifty years before the time of Wilberforce and Granville Sharpe. Against that hideous evil he was destined to strive in vain, but as regards the fetish of witchcraft it is satisfactory to know that his honesty and fearlessness did not fail in the end of their appropriate reward, for, so deeply were the minds of his fellow citizens moved by his confession of error and his self-inflicted penance, that, although witchcraft continued to be a capital crime, nominally, for another forty years, and was actually punished as such in Great Britain

till nearly a generation later, the death penalty was never inflicted on such a charge in the American colonies again.

Besides the stock of Samuel Sewell there are two other collateral lines, originating in his generation, which, without attempting to trace them in detail, it will be worth while to glance at for a moment—namely, those of his brother John and of his sister Anne.

John Sewell, the second son of the third Henry, married Anna Fessenden, and from this union all the Sewells of Maine derive their blood. This Maine clan has been a very prolific one and, though located chiefly in the province (now State) of that name, has offshoots in many other parts of New England, and indeed—through its female descendants—in Old England too, for several of the maidens belonging to this branch of the family married husbands living in the United Kingdom, and thus returned to the land of their ancestors.* The Maine Sewells have produced not a few men of talent and distinction, including two judges (Judge David and Judge William Sewell), and some able soldiers such as Major Samuel Sewell, the inventor of pile bridges, and Major-General Henry Sewell, who were respectively grandson and great-grandson of John Sewell, and, in more recent times Brigadier-General Frederick Sewell who was Assistant Adjutant-General in 1861.

As to the line of Anne Sewell, I have only mentioned it because it distinguished itself, at last, by producing a genius of the first order. It was in 1678 that Anne Sewell married one William Longfellow, and a hundred and thirty years later her great-great-great-grandson,

* The same is true more or less of Samuel Sewell's line. One of his grand-daughters, for instance, married Sir William Pepperell, Baronet.

Henry Wadsworth Longfellow, was born, of whom, in this memoir, I need not further speak, since his name is now a household word among all people who use the English tongue.

V. We must now take up the direct line of our descent once more, through Stephen Sewell, third son of the third Henry, and youngest brother of Samuel, John and Anne Sewell just mentioned. About this Stephen we know very little. Like both his elder brothers he was born in England during the Protectorate of Oliver Cromwell, the actual place of his birth being North Baddesley, in Hampshire, and the date August 19th, 1657, so that he can only have been four years old when his mother followed her husband to America, after the restoration of Charles II, taking her children with her.

Stephen is generally known in the family annals as Major Stephen Sewell, of Salem, from the fact that he resided chiefly in or near that town, and held a commission as "Major of Militia and Captain of Foot," whatever that may mean. He seems to have acquitted himself with some credit as a soldier, for there is an entry in the "Journals of the General Court for 1738" showing that, after his death, five hundred acres of public land near Salem were voted to his children in recognition of their father's services "while in command of the fort on Winter Island, during the Queen's War."

By the "Queen's War" is meant doubtless the long conflict waged between Great Britain and France during the reign of Anne, in which the British colonies in North America and the French settlements in Canada were simultaneously involved. What exactly Major Stephen Sewell did for his country at that critical juncture does not appear, but if we are to judge of his services by the measure of their reward they must have been considerable,

for even in those days five hundred acres close to a town like Salem can have been no mean recompense.

What with the large estates owned by the second and third Henrys at Rowley and Newbury, and the various additional blocks acquired by their immediate descendants, the collective landed possessions of the earlier Sewells in New England must have been of enormous potential value, for they were mostly in the immediate neighbourhood of pioneer settlements which have since developed into flourishing towns and cities. What they would be worth now is incalculable, but as nearly always happens in new countries where the custom of primogeniture does not obtain, these old Sewell estates were divided and subdivided among a numerous offspring from one generation to another, until they dwindled into insignificant holdings and gradually melted away.

Stephen Sewell married Margaret Mitchell,* and died at Salem on the 17th October, 1725, leaving ten surviving children, to wit, six sons and four daughters. The eldest of these sons was Major Samuel Sewell; the second was Jonathan, our direct ancestor; the third, fourth and sixth (Mitchell, Henry and Benjamin) are of no particular interest; the fifth was Stephen Sewell, who achieved great distinction as a jurist and, like his uncle Samuel before him, became eventually Chief Justice of Massachusetts in 1739, dying unmarried in 1761.

It is curious to note that no fewer than thirteen Sewells have been judges in various parts of North America during the last two hundred years, and three of these have filled the great office of Chief Justice, namely Samuel and his nephew Stephen, already mentioned, who presided successively over the judicature of Massachusetts, and Jonathan Sewell, third of that

* A very fine portrait of this lady is still preserved in the Essex Institute.

name, who was Chief Justice of Lower Canada and of whom more hereafter (see Chapter V). As may be imagined, this multiplicity of judicial dignitaries, all hailing from the same country, and in many cases from the same province or state, all deriving from the same original stock and bearing the same family name, has often proved a stumbling-block to genealogists, but for the purposes of this memoir, which is concerned, in the main, with but a single line of descent, it will be sufficient to distinguish carefully between the three Chief Justices, remembering that the last-named (Jonathan) alone is among our direct lineal ancestors, the other two being near collaterals.

CHAPTER IV.

JONATHAN SEWELL THE FIRST AND SECOND,
AND THE AMERICAN WAR OF INDEPENDENCE,
1692-1796.

VI. Of Major Stephen Sewell's son Jonathan, first of that name, through whom our own pedigree is traced, there is nothing of special moment to record. He was born at Salem on the 7th February, 1692, marrying firstly, in 1718, Elizabeth, daughter of Colonel Alford, who died five years later, and secondly, in 1724, Mary Payne, a member of a well-known New England family. This Jonathan Sewell lived chiefly at Boston and engaged in mercantile speculations there which turned out very badly. In fact, the fortunes of this branch of the Sewell family, which had been solidly founded in the wealth of the first Henry and comfortably maintained throughout the next century, seem to have sustained a temporary but severe check in the generation of which I am now speaking, for not only did Jonathan Sewell's affairs become seriously embarrassed towards the end of his life, but his younger brother Stephen, the Chief Justice, actually died bankrupt—in consequence, very possibly, of having participated in Jonathan's unfortunate ventures.

This Jonathan had by his first wife, Elizabeth Alford, two daughters, and by his second wife, Mary Payne, two sons and two daughters. The elder of the sons, through whom our line of descent proceeds, was named Jonathan like his father. The younger boy died in infancy.

VII. Jonathan Sewell, second of that name, was born at Boston, Massachusetts, on the 17th August, 1728. In consequence of his father's pecuniary troubles he entered the world under much less comfortable auspices than most of his family, and owed his start in life chiefly to the encouragement which he received from Chambers Russell, a Judge of the Supreme Court of Massachusetts. Russell was drawn to young Sewell in the first instance by the respect which, as an eminent jurist himself, he naturally felt for the memory of the boy's distinguished uncle and great-uncle, both of whom had presided as Chief Justices over the Bench on which Russell himself then sat. But it was not long before this vicarious interest was replaced by a more direct admiration of the lad's own genius. Russell was indeed one of the first to appreciate the extraordinary abilities of his youthful protégé and to predict a brilliant future for him, nor was his confidence in that respect misplaced.* Jonathan Sewell was to play at least as prominent a part in public affairs as any of his ancestors or descendants and to attain a measure of celebrity which few or none of them have surpassed, with the possible exception of his own son. He was conspicuously successful at the Bar, and became Solicitor-General and Attorney-General of Massachusetts and subsequently Judge of the Court of Vice-Admiralty in New Brunswick, besides achieving almost sensational distinction in the political controversies of his time. He was likewise fortunate in his domestic affairs, for he married the lovely Esther de Quincy, a member of one of the oldest English families

* It is a singular coincidence that, a hundred and thirty years later, my mother, Alice Sewell, a great grand-daughter of this Jonathan Sewell, married, "en secondes nocés," General Sir Edward Russell, of Ashford Hall, Ludlow, who was himself a descendant of the Chambers Russell here mentioned.

in America and reputed to have been at the time the most beautiful girl in Massachusetts.

Notwithstanding his great natural gifts, however, and the way in which, up to a certain point, he seemed to carry everything before him, the life of this singular man was destined to be always chequered and stormy, and, in the end, poignantly unhappy. It is doubtful whether in any circumstances abiding contentment could have been the lot of such a nature as his: ardent, sensitive, quick to anger, perpetually striving; but it was certainly unfortunate for Jonathan Sewell, constituted as he was, that his career should have happened to synchronize with one of the most fateful crises of American history, when public sentiment was so strongly divided that brother often stood against brother, friend against friend, and when even the most moderate men were swept headlong into one or other of the rival factions which were then struggling for predominance.

At the time when Sewell was first admitted to the Bar of Massachusetts the War of Independence still lay more than twenty years in the future, but the relations between Great Britain and her American colonies were even then far from cordial and every year found them more and more embittered. In this situation Jonathan Sewell, like most other Anglo-Americans, was influenced by two diametrically opposite feelings. On the one hand he was a British subject, directly connected with England by the links of a long-descended ancestry; a man whose forbears had held high office under the British Crown and who looked to do the same himself. But on the other hand, America was his home and had been the home of his race for more than a century before him. During all the years that had passed since his great-grandfather had landed in Massachusetts in 1634 the ties which bound his family to the soil of America had been growing closer

and more intimate in every generation, while those which connected them with Great Britain had been gradually fading into a mere ancestral memory. Moreover, the grievances under which the American colonies then suffered at the hands of the mother-country were both real and galling, as public opinion in Great Britain itself has long since recognised. It is not surprising therefore that Jonathan Sewell at the outset of his career should have espoused the American cause with all the ardour of his youth and temperament. Nor did he support it then as a mere abstract proposition. He was among the first to urge that the wrongs of the colonists would never be redressed by talking or writing and that they must be prepared in the last resort to defend their liberties by force.

As time went on, however—although his sympathies for the most part remained with America all through—he became gradually convinced that the case was not quite so one-sided as it had originally seemed to him; that the contentions of the settlers had some weak points; and above all that the policy of violence was misguided and if carried into effect must in the end prove fatal to all their hopes. The causes which operated to detach him thus from the extremist party were several—the first, in point of time, being a bitter quarrel which he picked, on rather fanciful grounds it would appear, with two of the most influential leaders of the revolutionary movement, to wit Colonel Otis and his celebrated son, James—“that pestilent rebel, James Otis,” as George III used to call him. The dispute in question was quite unconnected with politics as it happened, but incidentally it had the effect of loosening the bond between Sewell and the extremists, by estranging him from the Otis family and consequently also from those who associated with them and shared their views.

The Royal Government of Massachusetts soon learnt of this feud, which caused them much satisfaction, for Sewell already exercised very considerable influence in American politics, and it was greatly to the interest of the royalist party that the abilities of such a man should be weaned from the purposes of revolution and enlisted on the side of law and order. Accordingly they set themselves to gain over this young but important recruit by every means in their power. To Sewell's amour propre, smarting as it was from the effects of his recent breach with the Otis clique, the civilities which he now received from the Governor and his entourage were no doubt soothing enough, but to do him justice, he was far from being a man who could be seduced against his convictions either by present flattery or by the hopes of future advancement, and the royalists were astute enough to realise this from the first. Consequently, while they neglected no courtesies which could recommend them to his friendship, their efforts were directed more particularly towards persuading him firstly of what they *knew* to be true, that Great Britain had irrevocably determined to impose her will on the colonies at all costs, and secondly of what they *believed* to be true, that the settlers could never hope to frustrate her designs by force, and that any attempt to do so must bring the colonial cause sooner or later to irretrievable ruin.

In their anxiety to convince Sewell the Government seems to have admitted him to confidential intelligence which was not known to the general public and which made a deep impression on his mind. His conversion was not by any means a sudden one—he reflected long and earnestly—but ever as he did so his misgivings increased, until they crystallized at last into a settled assurance that the predictions of the royalists were but too true; that the contrary views he had once

held had their roots in a fatal miscalculation, and that the best way in which he could now serve the colonial cause, still so dear to him, was to throw all the weight of his talents and influence into the scale of moderation.

To this end therefore he devoted himself thenceforward with the same ardour and intensity which marked everything he did. Naturally he became *persona gratissima* to the Government, by whom in due course he was advanced to the offices of Solicitor-General and Attorney-General.

That Sewell, believing as he did all through in the substantial justice of the American cause, should thus have accepted promotion and favour at the hands of the Government when its relations with the colonies were drifting fast towards open rupture is perhaps to be regretted, if only because it gave some colour to the assertion, widely circulated by his enemies at the time, that he had deserted the colonial party for motives of personal advantage. To the end of his life nothing embittered and angered Sewell so deeply as this charge, which was in truth wholly unfounded, though, in the circumstances, it is not surprising that it should have been made. Its effect naturally was to estrange him still further from his former allies, and as time went on the breach between them widened until it became impassable.

Thus when at last the shadow of the War of Independence arose Jonathan Sewell found himself between the upper and nether millstones. His sympathies were with America still, but he was by this time committed to the royal cause so deeply that he could not forsake it with honour; nor probably would the revolutionaries have consented to receive him into their ranks at the eleventh hour even if he had been willing to join them. All through he had acted on assumptions which were destined

to be falsified in the event—that a resort to violence would be fatal to the settlers ; that it *must* be avoided ; that it *could* be avoided. With the best of intentions he had striven to serve two irreconcilable ends, to frame some compromise between the conflicting claims of the Crown and the colonies, to find some middle way out of the impending catastrophe, and he had failed as he was bound to fail. Nothing could well be more cruel than the situation in which he now found himself. In the armed conflict about to take place between the country of his ancestors and the land of his birth his official allegiance was with the one, his heart with the other. He could not strike a blow for either without violating either his duty or his affection, and whichever side might prevail in the end the consequences to him must be equally unhappy. An English victory meant the humiliation of his country, the permanent curtailment of her liberties, the disgrace and punishment to many who had been the warm friends of his youth. An American triumph on the other hand was certain to be followed by the secession of the colonies, in which case Jonathan Sewell, as a British subject, would find himself debarred for ever from his home-land—a stranger on his native soil.

What followed is a matter of history. The war broke Sewell's heart, as it would have done whichever way it had ended. Proscribed and exiled by the new government of the United States, he resided in England from 1775 until 1788, when he returned to America—not, of course, to Massachusetts, which was now no longer British territory, but to St. John's in New Brunswick, where, on the 26th September, 1796, he died.

Among the few literary works of Jonathan Sewell which have survived him the best known are the political essays which he wrote during 1774—1775 in support of

the royal government. These essays, which appeared at the time in the *Massachusetts Gazette* and other newspapers, attracted so much attention and caused so much uneasiness among the revolutionary party that they felt it necessary to put up a champion of their own to reply to Sewell. This was no less a personage than the famous John Adams, who afterwards became American Ambassador at the Court of St. James and eventually succeeded Washington as President of the United States. Ironically enough, the rivals thus pitted against each other had been close personal friends all their lives, but in politics they were inveterately opposed, and they now gave free vent to this antagonism in the press, Adams writing under the pseudonym of "Novangelus," Sewell under that of "Massachuttensis." In 1819 the essays of both were collected by the former, then a very old man, and published together, in a volume entitled: "Novangelus and Massachuttensis; political essays written in the years 1774-1775 on the principal points of controversy between Great Britain and her colonies, the former by John Adams, late President of the United States, the latter by Jonathan Sewell, the King's Attorney-General of Massachusetts Bay."

When this work made its appearance Sewell had been twenty-three years in his grave, but his reputation has certainly suffered nothing at the hands of Adams, whose preface to the book treats the memory of his dead friend and rival with a tenderness greatly to his honour. This preface is so interesting and deals with Sewell's character from such an intimate point of view that I need not apologise for quoting from it, although it goes over much of the same ground which I have traversed already.

After referring to Sewell's descent from "several of the most ancient and venerable families of New England," the author (Adams) speaks of the close friendship in which

he and Sewell lived together as young men, sharing the same rooms, attending the same courts, and holding at that time the same political opinions.

"Sewell was then a patriot," says the Preface—meaning, of course, that he was an advocate of American independence. There is no doubt that this was so, as I have stated already; indeed, at that early stage of his career Sewell's views seem to have been even more advanced than those of his friend.

"After the surrender of Montreal in 1759," says Adams, "rumours were everywhere spread that the English would now remodel the colonies, demolish the charters, and reduce all to royal governments. These rumours I had heard as often as he (Sewell) had. One morning I met him accidentally on the floor of the old Town House. 'John,' said he, 'I want to speak with you'—he always called me John and I him Jonathan, and often said to him I wished my name were David. He took me to a window seat and said—'These Englishmen are going to play the devil with us. They will overturn everything. We must resist them, John, and that by force. I wish you would write to the newspapers and urge a general attention to the militia, their exercise and discipline, for we must resist in arms.'"

The Preface next refers to an incident which, while it does much honour to Sewell's family feelings, illustrates at the same time the excessive vehemence of temper which was characteristic of him.

"In January, 1761," says Adams, "Stephen Sewell, Chief Justice, died, deeply lamented, though insolvent. My friend Jonathan, his nephew, the son of his brother, who tenderly loved and deeply revered his uncle, could not bear the thought that the memory of the Chief Justice should lie under the imputation of bankruptcy. At that time bankruptcy was infamous—now it is scarcely

disgraceful. Jonathan undertook the administration of his uncle's estate and, finding insolvency inevitable, he drew a petition to the General Court to grant a sum sufficient to pay the Chief Justice's debts. If my friend had known the character of his countrymen or the nature of that Assembly he would never have conceived such a project—but he did conceive it, and applied to James Otis and his father, Colonel Otis, to support it. The Otis's knew their countrymen better than he did. They received and presented the petition, but without much hope of success. It was rejected, and my friend Sewell conceived a suspicion that it had not been promoted with so much zeal by the Otis's as he thought they might have exerted. He imputed the failure to their coldness; was much mortified, and conceived a violent resentment which he expressed with too much feeling and freedom in all companies."

It is not very easy to understand why Jonathan should have entertained such confident hopes regarding this petition, or why Adams should sneer at the General Court for rejecting it. The propriety of paying the private debts of a deceased official, no matter how distinguished, out of public funds is, to say the least, very questionable, and the refusal of the General Court to do so in this instance is intelligible enough on ordinary grounds of principle without assuming any lack of zeal on the part of those by whom the petition was presented. But, however that may be, Jonathan Sewell never forgave the Otis family for what he seems to have regarded as their bad faith in the matter.

The Preface next devotes some paragraphs to the marriage between Sewell and Esther de Quincy,* "a

* In a note among our family papers—apparently a copy of the entry of this marriage—Jonathan Sewell is described as "of Edenbridge near Boston."

young lady celebrated for her beauty, fourth daughter of Edmund de Quincy, Esquire, and grand-daughter of that Edmund de Quincy who was eighteen years a Judge of the Superior Court, who died in the agency of the Province (Massachusetts) at the Court of St. James' and whose monument was erected at the expense of the Province in Bunhill Fields, London."

This marriage, following on the breach between Sewell and the Otis's, together with the attentions subsequently showered on Jonathan by the royalists, gradually estranged him more and more from the revolutionary party, as I have explained already, and ended by effecting a complete change in his political convictions. John Adams was almost the only one of his former associates with whom he remained for some time longer on terms of personal intimacy, but at last the imminent approach of the War of Independence separated him from that best of comrades also.

"We continued," says Adams, "our friendship and confidential intercourse, although in politics as opposed as East and West, until the year 1774 when we both attended the Court in Falmouth, Casco-Bay, now Portland. I had then been chosen delegate to Congress. He (Sewell) said 'that Great Britain was determined on her system; her power was irresistible and would certainly be destructive to me and to all those who should persevere in opposition to her designs.' I answered 'that I knew Great Britain was determined on her system and that that very determination determined me in mine; that he knew I had been constant and uniform in opposition to all her measures; that the die was now cast; I had crossed the Rubicon; swim or sink, live or die, survive or perish with my country was my unalterable determination.' The conversation was protracted, but this was the substance of the whole. It

terminated in my saying to him, 'I see we must part, Jonathan, and, with a bleeding heart, I say I fear forever. But you may depend upon it this adieu is the sharpest thorn on which my foot was ever set.'"

It was fourteen years before the two men met as friends again, but they continued their political controversy up to the very outbreak of the war.

"On my return from Congress," says Adams, "in that same year (1774) I found the *Massachusetts Gazette* teeming with political speculations, 'Massachuttensis' shining like the moon among the lesser stars. I knew him at once for my friend Sewell, and was told he excited great exaltation among the Tories and many gloomy apprehensions among the Whigs. I instantly resolved to enter the lists with him, and this is the history of the following volume."

The war and its consequences drove Sewell to England, as we know, in 1775, while after the conclusion of peace and the establishment of American independence, John Adams, who had now achieved a great reputation, followed him to the same country as the first Ambassador of the new Government of the United States. Thus for several years the two former friends resided within a comparatively short distance of each other, but under strangely different circumstances: John as the diplomatic representative of his country at the Court of St. James; Jonathan in obscurity and exile near Bristol. During all this time they had held no communication with each other—the one perhaps was too busy, the other too proud. They were, however, destined to meet once again in their lives, and once only.

"In 1788," says Adams, "Mr. Sewell came to London to embark for Halifax. I enquired for his lodgings and drove to them immediately, laying all etiquette aside to make him a visit. I ordered the servant to announce

' John Adams ' simply, was instantly admitted, and both of us, forgetting that we had ever been enemies, embraced each other as cordially as ever. I had two hours' conversation with him in a most delightful freedom upon a multitude of subjects. He told me he had only lived for the sake of his children, and had spared no pains or expense in their education. One of them is now a Chief Justice, the other Attorney-General. Their father lived but a short time after his return to America, evidently worn down by his anxieties, and dying probably of a broken heart. . . . He was a scholar and a gentleman. . . . He always lamented the conduct of Great Britain towards America. No man more constantly congratulated me while we lived together on any news . . . favourable to a repeal of the obnoxious statutes and a redress of our grievances—but the society in which he lived (meaning the royalists) had convinced him that all resistance was not only useless but ruinous."

The picture which Adams thus presents of the eventful life of his friend is very instructive, yet not without an element of profound sadness. We see Sewell in the time of his youth, a man of high spirit and consummate gifts, cherishing a passionate affection for America as the country of his birth, yet attached at the same time by family tradition and the ties of long-descended ancestry to England, the home of his forefathers. We see his early ardour for the American cause, his impetuous advocacy of resistance in arms gradually chilled as he grows older by the gathering conviction that such a course must prove fatal to the hopes of the colonists. We find him in 1774, on the eve of the war, a man nearly fifty, holding high office under the Crown, and therefore owing a special allegiance to it, fully informed of its resources and its determination to make its will prevail, striving still to avert the rupture now constantly becoming

more imminent, anxious for his wife and children, deeply distressed for his country, seeking earnestly to dissuade his friend John Adams, even at the eleventh hour, from the perilous and tremendous course on which his purpose was set. We see at last these life-long friends parted by irresistible circumstance, going their different ways, "with bleeding hearts," as Adams says.

Time passes ; the long War of Independence is over. The American colonies are for ever lost to Great Britain. The United States have come into being, and John Adams as their first Ambassador is at the Court of St. James, already far embarked on the splendid career destined soon afterwards to make him ruler of the great nation for whose free existence he had staked everything he possessed. We see at the same time Jonathan Sewell, now sixty years old, no longer the King's Attorney-General of Massachusetts Bay, but a man without office, an exile, his strength prematurely exhausted by anxiety and sorrow, obstinate in his pride, coming privately to London to embark for Halifax without a word to his former friend now so great and powerful. But the American Ambassador learns somehow of his old comrade's arrival and instantly forgets all the differences that have separated them ; enquires eagerly for Sewell's lodgings, hurries to them alone, laying, as he tells us, all etiquette aside, directing the servant to announce him not as "Excellency," but simply as John Adams. We can picture the emotion in Sewell's face as he hears again that well-remembered name, the mutual joy of the two friends re-united after so many vicissitudes, the long conversation that followed "in a delightful freedom upon a multitude of subjects."

The conduct of Adams in thus seeking out his former rival does him great honour ; indeed, his behaviour towards Sewell from first to last seems to have been

eminently chivalrous and affectionate. Though his life was so much happier and more successful than his friend's, Sewell was the more gifted man of the two, and Adams knew it and was generously quick to admit it. In his youth he had always looked up to Sewell as a man older and abler than himself, and later, in the hour of his own triumph and the other's misfortune, this boyish admiration became touched with such a tenderness as few men in his position would have shown.

The hurried meeting which took place that night in London must have been a grateful memory to Adams in after years, for the opportunity of reconciliation which it gave was not destined to be repeated. To the end of his long life, as we know from his letters and papers, the remembrance of Jonathan Sewell was constantly in his heart—but he never saw his friend alive again.

CHAPTER V.

JONATHAN SEWELL THE THIRD : THE GREAT
CHIEF JUSTICE.

1766-1839.

Jonathan Sewell the second, whose life has just been described, had by his wife, Esther de Quincy, three sons and one daughter, of whom two sons survived him. The younger of these was Stephen Sewell, who became Attorney-General of Canada. The elder, named Jonathan after his father, was our direct ancestor.

VIII. This, the third Jonathan, is generally, and I think justly, regarded by his posterity as the greatest man whom their ancient family has ever produced. He was born on the 6th June, 1766, at Lechmere House, Cambridge, in Massachusetts. Nine years later, as we have seen, the War of Independence and the secession of the American colonies drove his father from New to Old England, where the young Jonathan received his education, first at a preparatory school near Bristol and afterwards at Brasenose College, Oxford. It is worth recounting that while the lad was at Oxford he took part in a students' performance of Addison's play, "Cato," at which the celebrated actress, Mrs. Siddons, happened to be present. At that time Jonathan was scarcely more than a boy, and had received no dramatic training of any kind, yet his impersonation of the name part so deeply impressed Mrs. Siddons, that she addressed him afterwards in the following lines:—

"The world is dull and seldom gives us cause
 For joy, surprise or well deserved applause.
 Young Heaven-taught Sewell, I behold in thee
 Sufficient cause, and more, for all the three
 Thy rising genius managed Cato's part
 To charm away and captivate my heart.
 'Tis rare for boys like thee to play the man,
 There are but few in years who nobly can.
 But thou a youth of elegance and ease
 In Cato's person to perform and please
 Hast common youth and manhood both outdone
 And proved thyself Dame Nature's chosen son."

Possibly the admiration with which Jonathan inspired his fair critic on this occasion was due in part to his striking physical beauty, for he was an exceptionally handsome and graceful boy ; but, making every allowance for this, such enthusiastic praise as the above, coming to a young amateur from a woman of Mrs. Siddons' fastidious taste and world-wide renown, is a remarkable tribute to the precocity of Jonathan's genius. Its range, too, was singularly wide. Philosophy and letters were his constant recreation, and it was in their common love of music that the life-long friendship afterwards formed between Sewell and the Duke of Kent, father of Queen Victoria, had its origin. Jonathan was an apt versifier, too. It is not generally known that one of the stanzas of the National Anthem, often attributed to Sheridan, was in fact composed by Sewell.* The circumstances under which this happened are described in Notman's *Portraits of British Americans*, in the *Gazette des Dames* newspaper of Montreal, and in other publications of that period, as well as in the private records of Jonathan Sewell's family.

* The one beginning :

"From every latent foe,
 From the assassin's blow,
 God save the King."

On the night when Hadfield shot at the King (George IV), Sewell, in company with Sheridan, happened to be in Drury Lane Theatre. As soon as the news of the attempted assassination reached him he took, it is said, a theatre programme from his pocket, wrote the lines in question on the back of it, and handed the impromptu to Sheridan. After the performance the National Anthem was sung, and at its conclusion Sheridan, who had been struck by the appropriate character of Sewell's lines, stood up in his seat, and, reciting them aloud, called on the audience to sing them after him, which was done "with rapturous applause." Naturally enough, in the circumstances, the additional verse was supposed by the public to be Sheridan's own, and, although he disclaimed credit for it as soon as he learnt of the mistake, the impression that he was, in fact, the author had spread in the meantime so far that it was impossible to overtake it.

When the second Jonathan returned to America in 1788, his son, the third Jonathan accompanied him, but, while the old man settled in New Brunswick, the younger proceeded to Canada, on the advice, according to Notman, of Lord Edward Fitzgerald. My cousin, Miss Cornelia Sewell, however, tells me that the suggestion referred to, though Lord E. Fitzgerald may have concurred in it, came originally from the Duke of Kent, and that she herself saw, some years ago, a quantity of correspondence between the Duke and Sewell in which, among other things, this question was discussed, the Duke urging that Sewell's abilities would find greater scope in Canada than in New Brunswick. Unfortunately, with the exception of the letter printed on pages 72-73 *infra*, the whole of this correspondence has since disappeared and with it, I am told, much other material of great interest and importance.

However that may be, the recommendation to go to Canada turned out to be very good counsel as far as Jonathan Sewell was concerned, whoever it was that first suggested it. So phenomenally rapid indeed was his progress at the Canadian Bar that he became Solicitor-General in 1793, when only twenty-seven, and Attorney-General two years later. In 1796 he married Henrietta, daughter of the Hon. William Smith, Judge (afterwards Chief Justice) of the Supreme Court of New York, by his wife, Janet Livingston, a direct lineal descendant of the illustrious line of the Lords Livingston of Callendar, in Scotland, of whom more hereafter. It was a somewhat ironical destiny which thus united in such a distant country, and after the lapse of so many centuries, the daughter of the warlike, royalist, Lords of Livingston with a scion of the Puritan Sewells, but the marriage proved an eminently happy one. Copies of original portraits of Janet Livingston and her daughter are in my possession, showing the former as a girl of twenty or thereabout, and the latter in the prime of young womanhood. Janet's face, though a remarkable one—full of character and not without beauty—is too aquiline in feature and too haughty in expression to be altogether pleasing. On the other hand, her daughter, Henrietta, is shown not only as a very handsome but as a singularly sweet-looking woman.

As to her father, Chief Justice Smith, well-known as the historian of the City and State of New York, he came of a family scarcely less distinguished in the annals of the American Colonies than the Sewells themselves.* He was a contemporary of Jonathan Sewell the second (Chapter IV, *supra*), and it is rather curious that these two men, who had then never met, but whose children

* See Maturin Delafield's *Life of William Smith*.

were afterwards to intermarry, should have adopted precisely the same attitude on the vexed questions which eventually led to the War of Independence. Smith's sympathies, like Sewell's, were with America, but like Sewell he deprecated the policy of armed rebellion and held that redress must be sought by constitutional methods alone. Like Sewell, too, he had a bosom friend whose views in this respect were utterly opposed to his own, but who, while thus sharply divided from him on the greatest public issue of their time, stood by him in private life as faithfully as Adams stood by Sewell. This friend was William Livingston, his brother-in-law, afterwards the famous "War Governor" of New Jersey.*

When hostilities were finally declared between Great Britain and America, William Smith, whose political opinions were well known, naturally fell under the suspicion of the Colonials, and, having been haled before an American Council he was formally asked, "Whether he considered himself a member of the independent State of New York?" To which he bravely made answer that he "did not regard himself as discharged from his oaths of fidelity to the Crown of Great Britain." It was probably as well for this stout-hearted Judge that two of his powerful relatives, the Livingstons,

* A very large number of the American Livingstons served as officers in the American army during the War of Independence, and, to the best of my knowledge, nearly all of them, who were of an age to intervene in that conflict in any active manner, took sides against England in one way or another. It is, however, more than doubtful whether they would have done so, deeply as they shared the American sense of grievance against Great Britain, if the Stuarts had still been seated on the British throne. As matters stood, their adherence to the American cause was a foregone conclusion, for they not only sympathised with it at heart, but, as the descendants of ancestors who had been devotedly attached to the Stuart dynasty from its earliest days, they were inevitably and traditionally hostile to the House of Hanover.

happened to be members of that Council. Through their intervention he was subsequently interned as a prisoner on parole in their own principal seat, the Manor of Livingston, on the Hudson, where, no doubt, he was made as comfortable as the circumstances allowed. He was, however, much distressed there by news which shortly reached him of the plunder of his country estate at Haverstraw, and by appeals for assistance from his daughter, which led him (on the 9th November, 1777) to address an urgent petition to the Provincial Congress asking leave to quit the Manor of Livingston in order to attend to his private affairs. Congress, however, peremptorily refused this request, and it was not till some time afterwards that the prisoner was released. In 1783 he sailed for England with the British Commander-in-Chief, Sir Guy Carleton, afterwards Lord Dorchester, and in 1785 his fidelity to the Crown was rewarded by his appointment to the Chief Justiceship of Lower Canada, where, as we have seen, his future son-in-law was already in practice as a barrister. It was in this way that Jonathan Sewell the third met and married his Henrietta, and we may assume that this union with the daughter of his official chief did him no harm, for, when William Smith retired in 1808, Sewell succeeded him as Chief Justice of the Province—not that his appointment to that important post was other than fitting and natural, for he had then been nearly thirteen years Attorney-General, and his brilliant talents had marked him, in any case, for early promotion.

In addition to his new judicial avocations, he was now deeply engaged in politics, and in the course of the next two years he became successively President of the Legislative Council and Speaker of the Executive Council, both of which offices, as well as his judicial appointment, he retained from that time until practically

the day of his death. To discharge simultaneously all these arduous and responsible functions, executive, legislative and judicial, for nearly thirty years without a break must have required uncommon powers both of mind and body. Moreover, the natural difficulties of the situation were greatly increased for Sewell at first by the jealousy of the Canadian House of Assembly. It must be remembered that Canada had not, at that time, attained to responsible government, much less to her present Dominion status. Politically she was still in leading-strings. The popular element in her constitution, represented by the House of Assembly, was invested with various high-sounding privileges, but real authority lay exclusively in the hands of the Executive, and, as nearly always happens in such circumstances, there was incessant friction between the delegates of the people on the one hand and the official rulers of the country on the other.

In his individual capacity Jonathan Sewell was held in general esteem and by many in deep affection, but, as Notman says of him, "he unfortunately united in his own person too much of the authority of government, for he was President of the Executive Council, Speaker of the Legislative Council, and Chief Justice of the Province, while besides . . . he was the trusted chief of the much disliked British party." So again, Christie observes in his *History of Canada*: "Chief Justice Sewell was an eminent lawyer, profoundly versed in the civil law and ancient jurisprudence of the country, as well as in the criminal law of England, and withal a man of mild and agreeable manner, universally esteemed by the British community among whom he resided. But the other public stations which he occupied had mixed him up with the politics of the times, and subjected him, as a political character, to party obloquy." In the end,

the House of Assembly, "feeling strong but being powerless," as Notman puts it, determined to make an example of Sewell and by destroying, if possible, his reputation and career to strike a hard blow at the government for whose *prestige* he chiefly stood. The only way in which this could be effected was by the weapon of impeachment, and plausible cause for a step so grave was not easy to find. However, in 1814, an occasion arose on which the House decided to seize. About that time, Chief Justice Sewell, without consulting the Canadian Parliament, had laid down certain "Rules of Practice" for the regulation of judicial business in the courts of his Province. As will appear hereafter, he was in fact quite within his rights in doing so, but the House of Assembly believed, or professed to believe, otherwise.

"It was in that year," says Garneau, in his *History of Canada*, "that Mr. (afterwards Sir James) Stuart, from his place in Parliament, formally accused Chief Justice Sewell of having usurped parliamentary authority by imposing discretionary Rules of Practice." Even then the House was divided. Not a few of its members hung back; but in the end, after a heated debate, Stuart triumphed, and the motion for the impeachment of the Chief Justice, for it amounted to that, was carried."

This stroke seems to have taken Sewell considerably aback, and there is no doubt that he felt it very bitterly. It so happened, moreover, that both official and domestic reasons made it particularly inconvenient for him to leave Canada just then. Yet there was no help for it. Upon the complaint which the House of Assembly had laid against him only one tribunal in the Empire was competent to decide, and accordingly, having set his private affairs in order for a lengthy absence, the Chief Justice obtained leave to suspend his public functions and to repair to England, there to submit himself to the

judgment of the House of Lords. With him was associated as a co-defendant in this trial, James Monk, Chief Justice of the Court of King's Bench of Montreal. By courtesy of the then Governor-General of Canada, a transport was specially placed at the disposal of the two Judges and they duly arrived in London in the month of June, 1814. In the proceedings which followed, Sewell had the advantage of being represented by one of the ablest lawyers of that time, to wit, Charles Abbott, afterwards Chief Justice of England and first Lord Tenterden. Apparently Abbott had from the outset no doubt of a successful issue for his client, and the opinion which he expressed to that effect at their initial interview was, in due course, fully justified by the decision of the Privy Council.

In order that the official correspondence relating to the trial of the Chief Justices may be clearly understood it will be as well at this point to state precisely the nature of the several charges on which they were finally arraigned. The principal count against Jonathan Sewell was, as already stated, that he had arbitrarily imposed certain Rules of Practice upon the Courts of his Province without obtaining the concurrence of the Canadian Parliament. As if conscious, however, of the weakness of its own case and eager to bolster it up by as many additional counts as possible, the House rather foolishly went out of its way to drag in various supplementary complaints of a palpably frivolous nature. Thus, for example, it actually sought to impute responsibility to Sewell for certain acts of a former Governor of the Province of Lower Canada, on the double assumption that these acts were illegal in themselves and that they were done upon Sewell's advice. To these charges again a long string of minor grievances was added with which, since the Imperial Government dismissed them offhand as

too trivial for judicial notice, we need not here concern ourselves further than to remark that this useless and somewhat spiteful overloading of the indictment shows how completely for the time being the animus of Stuart and his followers had eclipsed their common sense. As to Chief Justice Monk, the gravamen of the charge against him was that he had joined with Sewell in imposing unconstitutional Rules of Practice, and further that he had wrongfully refused a writ of *habeas corpus*. How these accusations were dealt with by the Privy Council the following correspondence will show :—

From Sir Gordon Drummond, Administrator-in-Chief,
To The House of Assembly of Lower Canada.

“ The Administrator-in-Chief has received the commands of His Royal Highness the Prince Regent to make known to the House of Assembly of this Province his pleasure on the subject of certain charges preferred by the House against the Chief Justice of the Province and the Chief Justice of the Court of King’s Bench for the District of Montreal.

“ With respect to such of these charges as relate to acts done by a former Governor of the Province, which the Assembly, assuming to be improper or illegal, imputed by a similar assumption to advice given by the Chief Justice to that Governor, His Royal Highness has deemed that no enquiry could be necessary, inasmuch as none could be instituted without the admission of the principle that the Governor of a Province might, at his own discretion, divest himself of all responsibility on points of political government.

“ With a view therefore to the general interests of the Province, His Royal Highness was pleased to refer for consideration to the Lords of the Privy Council such only of the charges brought by the Assembly as

relate to the Rules of Practice established by the Judges in their respective Courts, those being points on which, if any impropriety had existed, the Judges themselves were solely responsible.

“Gordon Drummond.”

The Committee of the Privy Council which was appointed to advise the Prince Regent on the above charges submitted its report on the 24th June, 1815. It is unnecessary to transcribe this report in full. Excluding the preamble its gist is as follows:—

“The Lords of the Committee, in obedience to Your Royal Highness’ said order as aforesaid . . . having received the opinion of His Majesty’s Attorney and Solicitor-General, . . . and having maturely deliberated upon the complaints of the said House of Assembly, so far as they related to the said Rules of Practice, their Lordships do agree humbly to report as their opinion to Your Royal Highness, that the Rules which are made the subject of such complaint . . . against the said Chief Justices, Jonathan Sewell, Esquire, and James Monk, Esquire—which, their Lordships observe, were not made by the said Chief Justices respectively upon their sole authority, but by them in conjunction with the other Judges of their respective Courts—are all Rules for the regulation of the practice of their respective Courts, and within the scope of that power and jurisdiction with which, by the Rules of Law, and by the Colonial ordinances and acts of Legislature, these Courts are invested, and consequently that neither the said Chief Justices nor the Courts in which they preside have, in making such Rules, exceeded their authority nor have been guilty of any assumption of Legislative power.”

This report was considered at a Court held at Carlton House on the 29th June, 1815, of which the Minutes are as follows :—

“ Present : His Royal Highness the Prince Regent, His Royal Highness the Duke of York, His Royal Highness the Duke of Cumberland, the Archbishop of Canterbury, the Lord President, the Lord Privy Seal, the Duke of Montrose, the Lord Chamberlain, the Marquis of Winchester, the Marquis Wellesley, the Marquis Camden, the Lord Howard, the Earl of Chesterfield, the Earl of Harrington, the Earl of Buckinghamshire, the Earl of Chatham, the Earl of Liverpool, the Earl of Chichester, the Earl of Mulgrave, the Lord Charles Bentinck, the Viscount Palmerston, the Viscount Melville, the Viscount Sidmouth, the Viscount Jocelyn, the Viscount Castlereagh, the Lord George Beresford, the Lord Arden, Mr. Wellesley Pole, Mr. Bothland, Mr. Long, the Chancellor of the Exchequer.

“ Whereas was this day read at the Board a Report from the Committee of the Lords of His Majesty’s Most Honourable Privy Council, dated the twenty-fourth instant, in the following words, namely . . . (as already quoted) His Royal Highness the Prince Regent, having taken the said Report into consideration, was pleased, in the name and on the behalf of His Majesty, by and with the advice of His Majesty’s Privy Council, to approve thereof, and to order, as it is hereby ordered, that the said complaints, so far as they relate to the said Rules of Practice, be, and they are hereby dismissed this Board.”

A copy of the Report itself and of the minutes recording the Prince Regent’s decision as above, were communicated in due course to the Canadian House of Assembly. At the same time the Prince took occasion to administer to that House a somewhat stiff rebuke, as will be seen

from the terms of Sir Gordon Drummond's covering despatch, which reads as follows :—

“By the annexed copy of His Royal Highness' Orders in Council dated the 29th June, 1815, the Administrator in Chief conveys to the Assembly the result of the investigation, which has been conducted with all that attention and solemnity which the importance of the subject required.

“In making this communication to the Assembly it has become the duty of the Administrator in Chief, in obedience to the commands of His Royal Highness the Prince Regent, to express the regret with which His Royal Highness has viewed their late proceedings against two persons who have so long and so ably filled the highest judicial offices in the Colony ; a circumstance the more to be deplored as tending to disparage, in the eyes of the inconsiderate and ignorant, their character and services, and thus to diminish the influence to which, from their situation and uniform propriety of conduct, they are justly entitled.”

At the same time, Lord Bathurst, then Secretary of State for the Colonies,* wrote to Sewell, both officially and privately, congratulating him on the result of the trial in terms which must have been very welcome to him. Yet one point still remained upon which he was not wholly satisfied. Of the original charges against him, only one—namely that which concerned his alleged usurpation of Parliamentary authority—had been investigated by the Privy Council. The various subsidiary accusations which the House of Assembly had added thereto had been ignored, both in the Council's report and in the decision of the Prince Regent, and Sewell

* Henry, third Earl Bathurst, Secretary of State for War and the Colonies from 1812 to 1827.

seems to have felt that his enemies might infer from this silence that he had failed to exculpate himself on the counts so disregarded. Accordingly, being determined not to return to Canada with anything less than the fullest vindication of his conduct in every part, he asked Lord Bathurst to furnish him with an official declaration regarding these charges also, to which Bathurst replied that they had been left out of account for the double reason that they appeared too trivial to merit consideration and were moreover "totally unsupported by any evidence whatever."

This statement made Sewell's exoneration complete, yet in order that the exalted character of the tribunal which had acquitted him should be adequately realised in Canada, he asked, as a special favour, that the names of those Lords of the Council on whose advice the Prince Regent had acted should be disclosed to him, and that he should be authorised to communicate them to the Canadian people.

To this request he received the following reply:—

Lord Chetwynd to Chief Justice Sewell.

"Sir,

"Agreeably to the request signified in your letter of the 30th ult. I have the honour to enclose to you a copy of the Order in Council dismissing the complaints of the House of Assembly of Lower Canada.

"The report of the Lords of the Committee is entered at large in the copy of the Order but it is not the practice to insert the names of the Lords who make the report. Yet as it is important that it should be known in Canada by what high legal authority the said report was made, I have it in command from the Lord President to communicate their names to you and they are as follows:—

“The Lord President, Earl Bathurst, Lord Ellenborough, Sir William Scott, Master of the Rolls, Sir John Nichols, Lord Chief Justice Gibbs, Lord Chief Baron.

“I have the honour, etc.,

“CHETWYND.”

In thus heaping proof upon proof Jonathan Sewell was influenced by something very different from the mere desire to emphasize a personal triumph or to humiliate the men who had attempted his ruin. There was nothing petty in his nature, and to the end of his life he bore his detractors no ill-will. But he was determined at the same time that they should never have it in their power again to treat him as he had been treated in this instance. His impeachment was the one really painful incident in an otherwise singularly happy career, and, high-minded as he was, and conscious of having done nothing to forfeit public confidence, the treacherous action of the House of Assembly had cut him to the heart. His innocence was now established, it is true, but at what a cost! Not only had he been put, through no fault of his own, to heavy expense and grave distress of mind: he had been forced to leave his home, to separate himself from his family, to intermit all the public functions of his career at its very zenith, and to waste two of the best years of his manhood in meeting charges which the greatest court in the British Empire had finally declared to be without a shadow of foundation. Need we wonder then that he pressed the Imperial Government and the Privy Council to furnish him with every particular necessary to impress the completeness of his exculpation on the minds of the people of Canada.

Yet, independently of these proofs, though he was not, at the time, aware of it, a strong revulsion of feeling in his favour had taken place in the House of Assembly

during his absence in England. The political passions which had led so many members to side with Sir James Stuart in his attack on the Chief Justice had had time to cool after Sewell's departure, and his natural nobility of character had gradually resumed its just ascendancy in that House. After the blow had been struck, and when he who was its victim was far away, the conspirators, we are told, missed, with a curious regret, his familiar presence and, remembering, too late, his great qualities, repented bitterly of what they had done. Almost alone in the Canadian Parliament Stuart remained obdurate, but his recriminations rather hastened than checked the revolt of his supporters. One by one they fell away from him until, as Garneau tells us, "the House departed altogether from the charges made . . . to the great displeasure of Mr. Stuart who considered that his friends had betrayed him in the case."

It was in August, 1816, that Jonathan Sewell returned to Canada. Popular sentiment in his favour had now reached an extraordinary pitch. He was met by congratulatory addresses from almost every public body in the country. The city of Quebec was decorated in his honour, and, as he landed, the guns of the old citadel welcomed him with a resounding salute. Nor was this sympathy a merely transitory expression of public feeling. In the long period of twenty-two years, during which Jonathan Sewell was destined still to live and labour for Canada, he had to bear naturally not a few of those private sorrows which are the common heritage of mankind, but never once did he lose the whole-hearted confidence and affection of the Canadian people.

It is fitting that I should refer at this point to what was perhaps the most notable achievement of the Chief Justice's career. The energies of great men, however various may be the channels into which circumstances

direct them, are nearly always dominated by some one supreme purpose, and so it was with Jonathan Sewell. He loved his work at the Bar and on the Bench, but his constant dream was the federation of the British Colonies in North America, and, among all the distractions of his busy life, he never lost sight of that far-reaching enterprise or ceased to work for it. The first reference to the subject, in such memoirs of the Chief Justice as are extant, dates from the year 1814, when he was in London in connection with those proceedings of the Privy Council which I have mentioned already. At that time the Duke of Kent, who had chosen to honour Sewell with his personal friendship, happened to be in residence at Kensington Palace, and to him the Chief Justice first communicated the plan of federation which he had drawn up. He could not have consulted a better confidant, for few men then living knew more about the Colonies than this prince, and certainly none was more sympathetically inclined to their interests. What he thought of Jonathan Sewell's scheme the following letter shows:—

“ Kensington Palace,

“ 30th November, 1814.

“ My dear Sewell,

“ I have had this day the pleasure of receiving your note of yesterday with its interesting enclosure. Nothing can be better arranged than the whole thing is or more perfectly, and when I see an opening it is fully my intention to point the matter out to Lord Bathurst and put the paper into his hands, without however telling him from whom I have it, though I shall urge him to have some conversation with you relative to it. Permit me, however, just to ask you whether it was not an oversight in you to state that there are five Houses of Assembly in the British Colonies in North America. If I am not

under an error there are six, viz., Upper and Lower Canada, New Brunswick, Nova Scotia and the islands of Prince Edward and Cape Breton.

“ Allow me to beg of you to put down the proportions in which you think the thirty members of the Representative Assembly ought to be furnished by each Province, and to suggest whether you would not think two Lieutenant-Governors with two Executive Councils sufficient for an executive government of the whole, namely one for the two Canadas, and one for New Brunswick and the two small dependencies of Cape Breton and Prince Edward Island, the former to reside at Montreal, and the latter at whichever of the two (following) situations may be considered most central for the two provinces, whether Annapolis Royal or Windsor.

“ But, at all events, should you consider your Executive Councils requisite I presume there cannot be a question of the expediency of comprehending the two small islands in the Gulf of St. Lawrence with Nova Scotia.

“ Believe me ever to remain,

“ With the most friendly regard,

“ My dear Sewell,

“ Yours faithfully,

“ EDWARD.”

Some further consultation on the subject passed between the Duke and Sewell and between the latter and Lord Bathurst, but eventually the scheme was shelved. This naturally was a great disappointment to Sewell, who, nevertheless, continued his efforts to interest the Government in his proposal, though without much success until nearly the end of his life, when Lord Durham* became Governor-General of Canada. Like Sewell, Durham was a strong advocate of federal union, and to

* John George Lambton, first Earl of Durham.

him once more the Chief Justice submitted his design, together with the correspondence regarding it, which had passed between the Duke of Kent and himself twenty-five years before. This time he was successful. Durham immediately took up the plan and pressed it on the consideration of the Duke's daughter, Victoria, who had then recently ascended the throne. In writing to the young Queen, Lord Durham expressed himself as follows :

“ The views on which I found my support of a comprehensive union have long been entertained by many persons in these colonies. I cannot however refrain from mentioning the sanction of those views by one whose authority Your Majesty will, I venture to say, receive with the utmost respect. Mr. Sewell, the late Chief Justice of Canada, has laid before me an autograph letter addressed to himself by Your Majesty's illustrious father, in which His Royal Highness was pleased to express his approbation of a similar plan proposed by that gentleman. No one better understood the interests and character of the colonies than His Royal Highness. It is with peculiar satisfaction therefore that I submit to Your Majesty's perusal the important document which contains His Royal Highness's opinion in favour of such a scheme.”

The document in question was the letter already quoted, which, with other correspondence relating to the proposed federation, was officially communicated to the Imperial Parliament on the 11th February, 1839. At the same time, the Queen in her speech from the Throne recommended the scheme thus originated by my great-grandfather to the favourable consideration of both Houses, and it was soon afterwards adopted and carried into effect. Scarcely anyone knows or cares now that this great act of constructive statesmanship owed its inception to Jonathan Sewell. It is indeed

generally attributed to Durham, as Sewell's additional verse of the National Anthem is attributed to Sheridan. But such considerations never counted for much with this man, and must have meant even less than usual to him on the occasion referred to, for he was then dying. It is, in truth, a somewhat pathetic coincidence that, after striving for the cause of federal union during more than a quarter of a century, with such undaunted perseverance and in the face of so many disappointments, his long life should have ended in the very year that witnessed its triumph at last. He died on the 12th November, 1839, so that he can only just have had time to read the speech in which his Sovereign recommended to her Parliament the great purpose which lay so near his heart.

In his unassuming way Sewell was a prominent churchman, and his services to the Anglican community have been fittingly acknowledged by the Rev. A. R. Beverley, in his *Historical Sketch of the Church of England in Canada*. "He was remarkable," says this writer, "not only as a statesman and jurist but as a devout servant of God . . . and Trinity Church to-day, built through the personal munificence of the Chief Justice, testifies to his vital and permanent interest in religion." This church, of which Jonathan Sewell defrayed the whole cost out of his private means, was erected in 1824, and its first incumbent was the Chief Justice's second son, the Rev. Edmund Willoughby Sewell, who officiated there for no less than forty-three years. Willoughby Sewell married firstly, Susan, daughter of the Hon. Montgomery Stewart and grand-daughter of the seventh Earl of Galloway, and secondly a daughter of Major-General Durnford, Royal Engineers, and died in 1890.

When the church of the Holy Trinity was founded,

a metal plate was sunk under its corner stone, bearing the following inscription :—

ANNO DEI CHRISTI MDCCCXXIV
 REGNANTE GEORGIO QUARTO BRITANNARUM REGE FIDEI
 DEFENSORE
 REVERENDISSIMO PATRE IN DEO JACOB MOUNTAIN S.T.R.
 EPISCOPO QUEBECENSI
 HANC CAPELLAM AD PERPETUUM SACROSANCTAE TRINITATIS
 HONOREM
 ET IN USUM FIDELIUM ECCLESIAE ANGLICANAE DEDICATAM
 VIR HONORABILIS JONATHAN SEWELL
 PROVINCIAE CANADAE INFERIORIS JUDEX PRIMARIUS
 ET HENRIETTA EJUS UXOR AEDIFICAVERUNT

That is to say :—

“ In the year of our Lord 1824

“ In the reign of George IV, King of Great Britain, Defender of the Faith, during the episcopate of the Right Reverend Father in God Jacob Mountain, Bishop of Quebec, the Honourable Jonathan Sewell, Chief Justice of the Province of Lower Canada, and Henrietta his wife built this church, dedicating it to the eternal honour of the Holy Trinity and to the use of the faithful of the Anglican community.”

Between 1868 and 1871, when the church was taken over temporarily by the Government as a military chapel for the garrison of Quebec, most of the private memorials which occupied its walls were removed to the cathedral—why, does not appear—but the beautiful monument erected to Jonathan Sewell himself still adorns the north gallery. This is a statue, eight feet high, representing a full-length figure of Justice, sword in hand but with the point reversed, and having beneath it an escutcheon bearing the arms “ Sable, a chevron between three

ees volant, argent." Among other Sewell memorials still displayed in this church are those in honour of Henrietta, wife of the founder, and of Margaret, wife of Lieutenant-Colonel John St. Alban Sewell, while the fine eastern window is dedicated to the memory of Edmund Willoughby Sewell, already mentioned.

It is amusing to recall that, during the short period when Quebec was a garrison town, so many officers were married in this church that Colonel Hawley, then commanding the 60th Rifles, publicly referred to the station as the most dangerous he had ever known. This, in the sense he intended, was true enough, for it is a fact that, within an absurdly brief interval, there was scarcely a bachelor left in the whole garrison, notwithstanding Hawley's threat to dismiss from the 60th any officer of that regiment who should venture on matrimony without his permission. My mother, the Chief Justice's grand-daughter, who was herself one of the military brides of the period, was much diverted at this and took a mischievous delight in teasing the poor colonel about it. I have often heard her say, laughingly, that no body of men was ever so completely led captive as were the officers of the Artillery Brigade and of the 53rd, 60th and 69th regiments by the girls of Quebec between 1868 and 1871.

I must revert now for a moment to the closing chapter of Jonathan Sewell's long life. In 1838, being then in his seventy-third year, and conscious that his failing strength would no longer permit him to discharge adequately the duties of the high office which he had filled for more than a generation, he obtained his Sovereign's permission to resign it. Until then he had said nothing of his intention to retire, and the Bar was taken by surprise and profoundly moved when, in October of the same year, speaking from his accustomed place on the

Bench, he who had been their honoured chief for thirty years bade farewell to his colleagues in a few eloquent and affecting words, delivered, we are told, with visible emotion. That their reply did full justice to his great public record goes without saying, but it ended on a note which must have touched the old man more deeply than any tribute to his talents or learning.

“Your Honour,” it concluded, “has proved by your conduct towards us that the official rank and station of the Judge are only heightened by the courtesy and bearing of the gentleman.”

On retiring from the Bench, Chief Justice Sewell was granted a pension of a thousand a year, and was offered a baronetcy which he declined. His reason for refusing this honour is characteristic of the man. Judged by the standards of those days his private wealth was considerable and would have supported a hereditary dignity well enough had he chosen to settle the bulk of it upon his successor in the title. But he had sixteen children, of whom no fewer than twelve survived him, and, in the circumstances, he could not set apart a fortune sufficient to maintain his eldest son in the rank of a baronet without heavily reducing the portions destined for his younger sons and for his daughters. This he was unwilling to do, not because he was opposed to the custom of primogeniture as practised in England, where it has the sanction of immemorial usage and is generally accepted, but because his home was in Canada where that principle has never taken root and where conditions are so different that, in his view, it could not be adopted, in a particular instance, without some measure of injustice. In short, he believed that if one happens to live in Rome one should do as the Romans do, and in his application of the maxim in this case he was probably right.

When Jonathan Sewell left the Bench he was not known to be seriously ill, but, as so often happens in the case of men who have been in the habit of working hard all their lives, separation from his accustomed duties seems to have hastened his end.

“One year,” says Notman, “had scarcely elapsed since his earthly Sovereign had marked his services with the reward of faithfulness when he was required by the King of Kings to give back the life he had been appointed to keep.”

This great and good man died on the 12th November, 1839. Though he has been now for nearly a hundred years in his grave his name is still remembered and honoured in Canada, though the full extent of what she owes him will never perhaps be realised. From among the flood of more elaborate notices and articles of appreciation and regret which appeared in the press at the time of his death I select the following rather simple-minded letter as a typical expression of the affection and respect in which Jonathan Sewell was held by his contemporaries :

“Quebec,

“November 15th, 1839.

“Mr. Editor,

“Having quitted the land of my birth but a few years I have not been present at many funerals in Quebec, yet if the numbers of every degree who thronged the funeral of our worthy ex-Chief Justice this day . . . be any proof of the estimation in which he was held, it were hardly possible that anyone could be more esteemed. . . . All those who knew our lamented Chief Justice bear testimony to his polished manners and kind demeanour . . . always the same anxious host, fearful to seem neglectful even of the most insignificant person present. Possessing ample wealth, he seemed to remem-

ber that he was only in reality the steward of the goods of this life—thus was his purse ever open to those who needed assistance, nor were the poor ever repulsed from his door. Has Canada ever had to boast of one whose virtues surpassed those of the true gentleman whose bier I this day followed to the grave? Was there ever one in whom unflinching probity, paternal kindness, and a determination to do his duty to his God, his Sovereign, and his countrymen were all united? Surely it was in Chief Justice Sewell. Mr. Editor, I might write volumes of such a man In his own little chapel* his last requiem was chanted, and few were the dry eyes present. May his soul have been conducted to eternal glory If my poor judgment is of any value, whether you look at him as a Christian, a statesman, a judge, a husband, father or friend, it will be long indeed ere this country is blest with another who will equal Chief Justice Sewell."

I have mentioned in an earlier paragraph that Jonathan Sewell was a singularly handsome man. Those indeed who knew him have left it on record that the nobility of his nature was so reflected in his features as to make them for ever unforgettable by such as had once seen him. Two excellent portraits of him are in existence, one painted in his old age, the other in the prime of his life. A reproduction of the latter appears on the opposite page.

Sewell was succeeded in his office of Chief Justice by that James Stuart who twenty-five years earlier had been his most inveterate adversary and had moved the resolution for his impeachment in the Canadian House of Assembly. It is impossible to condone the rancour

* In the church of the Holy Trinity built by him at Quebec.



CHIEF JUSTICE THE HON. JONATHAN SEWELL, LL.D.



with which, from motives of personal ambition, Stuart thus sought to destroy a political rival by trumped-up charges or the graceless obstinacy with which he adhered to his accusations long after they had been dismissed by the Privy Council and repudiated even by his own followers. Yet in the end he too made expiation.

“If such were Sir James Stuart’s opinions at the time,” says Notman, “it should not be forgotten that he corrected them afterwards. On succeeding the subject of this sketch (Sewell) in the office of Chief Justice he not only adopted the Rules of Practice to which he had formerly taken exception, but religiously adhered to them as long as he presided on the Bench. It is difficult which most to admire, the compliment which Sir James thus offered to the wisdom of his predecessor or the atonement which he made for his own rashness. . . . It is instructive to meet with a decidedly great man who can so humble himself as to trample his arrogance and self-will in the dust and make his atonement in the very place wherein he had promulgated his offence.”

In due course, Stuart, like Sewell before him, was offered a baronetcy, and in this case the honour was accepted. Whatever his faults, Sir James Stuart was a man of conspicuous ability and force of character, and, in justice to his memory, it must be admitted that, when the intemperate spirit of his youth had cooled, and the great office which had been the object of his ambition was his own at last, he filled it with a dignity and effect not unworthy of his illustrious predecessor.

CHAPTER VI.

WILLIAM SEWELL, THE SHERIFF, AND HIS
DESCENDANTS.

Jonathan Sewell was survived, as already stated, by twelve of his sixteen children, namely by seven of his sons and five of his daughters, all of whom married except one daughter (Charlotte). Since these children represent a generation only twice removed from our own, it may be convenient if I give a list of them and of their wives and husbands respectively, so that those who are interested may be able to trace the cousinships deriving from these sources.

Chief Justice Sewell's surviving sons then were as follows :—

1. William Sewell, who became Sheriff of Quebec, and who married firstly Mary Smith, and secondly Lavinia Griffin.

2. The Rev. Edmund Willoughby Sewell, already mentioned, who married firstly, Susan Stewart, daughter of the Hon. Montgomery Granville Stewart and granddaughter of the seventh Earl of Galloway ; and, secondly, a daughter of Lieutenant-General Durnford, R.E., Colonel Commandant of the Royal Engineers.

3. Robert Shore Milnes Sewell, a barrister, who married Louise, daughter of the Hon. William Smith.

4. The Rev. Henry Doyle Sewell, M.A. (Oxon), some time Chaplain to the British Embassy at Constantinople, and afterwards for many years Vicar of Headcorn, in

Kent, who married, firstly, Elizabeth Charlotte Monypenny, of Merrington Place in that county ; and, secondly, Edith Morgan.

5. James Arthur Sewell, who married Cornelia Westrene Macrae.

6. Montague Sewell, who married Charlotte, daughter of Colonel Wolff, of Val Cartier.

7. Lieutenant-Colonel Algernon Sewell, of the 15th Foot, now the East Yorkshire Regiment, who married Henrietta Staples, a daughter of the then Chief Justice of Ceylon.

In addition to the above, Chief Justice Sewell left the following daughters :—

1. Henrietta Eliza Sewell, who married the Rev. F. Lundy.

2. Mary Livingston Sewell, who married Major Henry Temple, of the 15th Regiment, a cousin of the then Lord Castlemaine.

3. Frances Georgina Sewell, who married Major Trevor Davenport, of the 1st Regiment, now the Royal Scots.

4. Elizabeth Sewell, who married John Ross, son of the Hon. David Ross, of Montreal.

5. Charlotte de Quincy Sewell, who died unmarried.

The descendants of Edmund Willoughby Sewell (second son above) through his marriage with Susan Stewart are connected with a number of well-known families—among others, the Churchills, Mrs. Willoughby Sewell, my mother's aunt, having been a first cousin of Lady Jane Stewart, Duchess of Marlborough, wife of the sixth Duke.

As to Robert Shore Milnes Sewell, third son of the Chief Justice, it may be of interest to note in passing that his wife was a great-great-grand-daughter of King

Charles II, thus:—the King had by Louise de Querouaille, Duchesse d'Aubigny, a son, the first Duke of Richmond, and a daughter, Marie de Querouaille, Comtesse d'Aubigny. This Marie de Querouaille married Robert Webber, described as "of St. John the Evangelist, Westminster, Gentleman," and had, among other children, a son, Admiral Charles Webber, whose daughter, Susan Webber, married the Hon. William Smith, Member of the Executive Council of Canada, brother-in-law of Chief Justice Jonathan Sewell, and it was their daughter, Louise, who married the Chief Justice's third son, Robert S. M. Sewell aforesaid.

Curiously enough, this is not the only instance of a connection between the families of Webber and Sewell, for my great aunt, Frances Georgina Sewell above mentioned, third daughter of the Chief Justice, became, through her marriage to Major Trevor Davenport, a sister-in-law of Emma Webber, wife of her husband's brother, Captain Charles Davenport, and daughter of the Very Reverend James Webber, Dean of Ripon, who was himself a great-grandson of Charles II.

Mrs. Robert Webber (*née* Marie de Querouaille) is mentioned in the will of her brother, the Duke of Richmond, wherein, after making various bequests to "My dear son Charles Lenox, commonly called Earl of March," and to "My dear daughter, Anne, Lady Albemarle," he gives two hundred pounds "to Mrs. Mary Webber, wife of Mr. Robert Webber, to be paid unto her separately from her husband, and with which her said husband shall not intermeddle." A somewhat narrow remembrance from a ducal brother, perhaps, and not too graciously expressed, if one contrasts its terms with the affectionate phrasing of Richmond's gifts to his children. But it is fair to add that the Duke seems to have treated this sister of his more kindly in his lifetime than might

be gathered from the rather cold language of his testamentary reference to her, for she is known to have resided at his mansion of Goodwood both before and after her marriage, and her sons also lived there.*

The name of Major Trevor Davenport, husband of Frances Sewell, above mentioned, recalls an incident of historic importance, for his father was that Captain Salusbury Humphreys, afterwards Davenport,† of the Royal Navy who signalized himself, while in command of the British frigate "Leopard" in 1807, by attacking the United States frigate "Chesapeake" in Hampton Roads and forcing her to haul down her flag after killing and wounding twenty-nine of her crew.

It will be remembered that Great Britain, being then in the midst of her life-and-death struggle with Napoleon, claimed the right of searching American vessels for the purpose of impressing any British deserters who might be found on board them. Several such men being reported to have taken refuge in the "Chesapeake," the British Vice-Admiral, Berkeley, had given positive orders to his captains that that vessel was to be stopped, wherever found, and the deserters taken from her. It was in pursuance of these orders that Captain Humphreys, falling in with the "Chesapeake" on the 22nd June, demanded that she should muster her crew and allow him to pick out the sailors in question, adding that he had no choice but to execute his Admiral's commands, and that he hoped to do so "in the most amicable manner." To this the American Commodore, Barron, replied that there were no deserters on his ship, and that,

* The well-known family of Webber-Smith, which has produced several distinguished soldiers, descends from Admiral Charles Webber's third son, James, who took the additional surname of Smith on succeeding to the estate of William Smith, of Ashling, Chichester.

† He assumed the name and arms of Davenport on marrying Maria Davenport, heiress of Bramall Hall in Cheshire.

in any case, he had instructions from his Government not to permit her to be searched or to deliver up any person on board her.

Humphreys now found himself in a very awkward situation, but, being a dogged sort of man, he resolved not to be put off, but to carry out what he conceived to be his duty regardless of the consequences to himself or anybody else. Accordingly, after warning the American that further resistance would oblige him to use force, he sent two shots across the "Chesapeake's" bows, after which, seeing that she had still no intention of complying with his request, but on the contrary was making sail to leave him, he discharged a broadside into her, and, as her flag did not come down, followed it up with two more, knocking her about severely, where-upon Barron surrendered.

In thus opening fire on the vessel of a nation not then at war with England, and which at the time was actually in her own home waters, the "Leopard's" commander obviously took a tremendous responsibility on his shoulders and, to make matters worse, three of the four men whom he carried off from the "Chesapeake," in the belief that they were British subjects, turned out to be naturalized Americans! The fourth alone was a real renegade and mutineer who, being tried by court-martial soon afterwards, was sentenced to death and shot.

Naturally, the relations between England and America, already strained, were not improved by this episode. It was, in fact, one of the incidents which most directly contributed to bring about war between the two countries a few years later, and very nearly did so on the spot. Such indeed was the uproar which it caused in America, and so threatening was the attitude of the Government and people of the United States, that the garrisons of the adjacent British colonies were rapidly reinforced,

their militia called out, and every preparation made to repel an American attack, which was believed at the time to be imminent. However, negotiations were presently instituted which, although in the end they failed of a satisfactory result to either side, dragged on for a long term, and so postponed any immediate hostilities. Short of abandoning—which she absolutely refused to do—her claim to have her own deserters delivered up to her, from any ship, American or otherwise, on which they might be found,* Great Britain offered every reparation in her power for the conduct of “Leopard,” whose attack upon “Chesapeake” she allowed to have been “unauthorized,” and whose commander was disavowed and punished, as after such an admission he was bound to be. Many years passed before he was reinstated, but, in the end, he lived to become an Admiral, and to receive the honour of knighthood from William IV, who, as a sailor of long standing himself, probably had a soft spot in his heart for this rash but honest officer.

It is curious to note that the unfortunate Barron, who commanded the “Chesapeake,” was afterwards made to suffer much the same penalty as his assailant, though on very different grounds. He was tried by court-martial, at the instance of his own wardroom officers, on the double charge of having neglected to clear his ship for action when an engagement was probable, and for having prematurely and disgracefully surrendered her after action had been joined. The Court acquitted him on the latter count, but convicted him on the former, and he was sentenced to five years’ suspension from the American Navy.

* It is fair to add that the British Government expressed its willingness at the same time to concede a similar privilege to the American Government against British ships, and the United States did in fact exercise that power to the full on several subsequent occasions.

Of all sections of society in America none took the "Leopard"—"Chesapeake" affair more sorely to heart than the officers and men of the United States fleet as, in the circumstances, was natural enough, for they were moved not only by indignation against the British, but by a strong sense of humiliation over what they regarded as the ignominious figure cut by the "Chesapeake" on that occasion. These feelings, although such as might have been expected in gallant men, jealous of the honour of their Service, made intercourse with them on our part very difficult, and bred a constantly increasing friction, which ultimately took effect in a second armed encounter—I mean the memorable duel fought in darkness off Cape Hatteras in 1811 between the American frigate "President" and the British sloop-of-war "Little Belt." In this case the American was the aggressor—at any rate, he chased "Little Belt" until nightfall, in the sincere, but, as it happened, mistaken belief, that she had impressed a subject of the United States. Which ship fired the first shot is uncertain, for both afterwards denied having done so, but there is a good deal to be said for the contention of Captain Bingham of the "Little Belt" that he would scarcely have been so foolhardy as deliberately to provoke battle with his small weak sloop against such a powerful adversary as the forty-four gun "President." However that may be, the two ships eventually engaged at the distance of a pistol-shot, and had a desperate set-to for close on an hour, when the American Commodore Rodgers hailed his small opponent, who, being unable to bring her guns to bear any longer, had ceased firing, and asked whether she had struck her colours, which, in the darkness he could not see. To this she answered "No," whereupon the American, being then on fire, stood off and disappeared into the night, leaving the British sloop in an almost

sinking condition—a woeful little lame duck indeed: “All sails and rigging cut to pieces; not a brace or bow-line left; all upper works shot away; many holes between wind and water, and thirty-two men dead and wounded, most of the latter mortally,” as Bingham’s report states.

Next morning, according to Bingham, Commodore Rodgers sent a message “to say that he lamented much the unfortunate affair, as he termed it, and that had he known our force was so inferior he would not have fired at me.” “I asked him,” says Bingham, “his motive for having fired at all. His reply was that we fired the first gun at him, which was positively not the case.”

Apparently the action arose out of some misunderstanding, the precise nature of which cannot now be traced, but a free hand was soon to be given to fire-eaters on both sides, for in the following year war was declared.

Strictly speaking, of course the affair of the “President” and the “Little Belt” lies outside the scope of this memoir, and I have only been led on to it because it arose more or less out of that of the “Leopard” and “Chesapeake,” which, itself, is only connected with our family history in a very indirect way. At the same time, I need not perhaps apologize for having touched in passing on incidents so lively in themselves and so illustrative of the political and racial tension then obtaining between our own nation and a country with which our ancestors had so much to do. For the facts above set out I am indebted mainly to papers supplied to me by courtesy of Major Cyril Davenport, a grandson of the officer who commanded the “Leopard” in the action described.

IX. To return now to the sons of Chief Justice Sewell: the eldest of these, William, was our own direct ancestor and grandfather. His life, though a long one, was, on the whole, rather happy than eventful, and does

not therefore call for extended notice here. William Sewell resembled his distinguished father in his upright and kindly nature, in his personal good looks, and in his taste for letters, and was scarcely less beloved in Canada than the Chief Justice himself had been, especially in the old city of Quebec, where he was born and died, and where he filled the office of Sheriff for many years. His reputation in the colony (as it then was) stood so high, and his influence there was so considerable, that the offer of a baronetcy, which his father had declined, was renewed to him, but he also refused it. Whether pecuniary considerations had anything to do with this I do not know—quite possibly they had, for his family was as large as the Chief Justice's. I remember my mother telling me, however, that the Sheriff's main reason for asking leave to decline this honour was that his eldest son, a man of fine character and great intellectual promise, was debarred from marrying by the frail state of his health—he afterwards died a bachelor, at a comparatively early age—while the Sheriff's second son, to whom the title, if accepted, must have descended, was a boy of wild and irregular habits, and, as such, not fitted, in his father's opinion, to be the transmitter of a hereditary dignity.

Sheriff Sewell had sixteen children, namely eight sons, of whom three died in infancy, and eight daughters. The names of those who attained to full age are as follows :—

Sons by the first marriage.

1. William, a young man of conspicuous ability, author of several works chiefly on political subjects, whose health, as already stated, was always delicate, and who died unmarried.

2. Frederick, who emigrated to one of the Western States of America and disappeared, leaving no trace of his history.

3. Henry (Harry), who married Sophia Sexton.
4. Herbert, who died unmarried.

Son by the second marriage.

1. Arthur, who married Florence Wallack, a noted beauty in her day, and a relative, I believe, of the famous painter, Sir John Millais.

Daughters by the first marriage.

1. Mary, who married John Bonner.
2. Geraldine, who married Colonel T. Bromhead Butt, of the Cameron Highlanders.
3. Gertrude, who died unmarried.
4. Alice, my mother, who married, firstly, John Pope Duff, second son of Hugh Duff, of Edderton House, Edderton, Rosshire; and secondly, General Sir Edward Russell, of Ashford Hall, Ludlow.
5. Isabel, who married George Bonner.

Daughters by the second marriage.

1. Sophy, who married Major J. Fleming, of the 30th Foot.
2. Maud Lavinia, who married Colonel H. B. Winter, of the Royal Fusiliers.
3. Ruth, who married John Billett.

As will be seen from the above, William Sewell the Sheriff was not particularly fortunate in his sons, for three of them died in childhood, and one, the eldest and most promising, in early manhood; while another, (Frederick) quarrelled with his parents, left his home, and held no communication afterwards, I believe, with any of his family. For these disappointments, however, the Sheriff must have found abundant solace in the affection of his daughters, who were devoted to him, and who all grew up, and, with one exception (Gertrude) married and, also with one exception (Ruth), left issue.

The following is a list of Sheriff Sewell's grandchildren who attained full age:—

1. Henry (Harry) Sewell, the only one of the Sheriff's four sons by his first marriage who had any children, left a son, Herbert, and two daughters, Amy and Letitia.

2. Arthur, his only son by his second marriage, left a daughter Florence (Mrs. Raynes).

3. Mary Bonner left four sons, John, Sidney, George and Arthur, and two daughters, Gertrude and Geraldine. Sidney Bonner, who married Maud Barnett, is, I believe, the only one of Mary Bonner's sons who has descendants living now.

4. Geraldine Butt had two surviving sons, namely, Thomas Bromhead and Arthur Sewell, who married respectively Alice, daughter of the Right Hon. Sir William Bovill, Chief Justice of the Common Pleas, and Edith Lawrence; also six daughters, as follows:—Beatrice, who married William Allhusen, son of Christian Allhusen of Stoke Court in Buckinghamshire; Geraldine, who married Colonel John Campbell Robertson-Glasgow, of the Suffolk Regiment, son of Robert Robertson-Glasgow, of Mountgreenan in Ayrshire; Mary, who married Admiral Sir Day Hort Bosanquet, of Brom-y-Clos in Herefordshire; Gertrude Jane, who married Sir Kendal Franks; Lucy and Catherine. Of these six daughters, only Mary (Lady Bosanquet) and her sister Lucy are now living.

5. Alice Duff, afterwards Lady Russell, had by her first marriage two surviving sons, namely, Sir Hector Livingston Duff and John Lechmere Duff, of whom only the former is now alive—also, by her second marriage, two daughters, Gwendoline Russell and Winifred Penelope Russell, both still living. Gwendoline Russell married firstly Major W. H. Hardyman, and secondly the Rev. Jeffrey Johnstone.

6. Isabel Bonner had three daughters, all of whom

married and are still living, namely, Maud (Mrs. Cabot), Mabel (Mrs. Stein), and Isabel (Mrs. Lockwood).

7. Sophy Fleming had two sons, Arthur and Carl, and one daughter, Maud (Mrs. Poole).

8. Maud Winter had two surviving sons, Harrie Sewallis and Cecil Burton, who married Minnie Watson and Lilian Moore respectively, and a daughter, Florence Maud May, who married William Kerr, of Maesmore in Denbighshire, a cadet of the House of Lothian.

When the Great War of 1914-1918 broke out, many of the males of my mother's family, as it happened, were either too young or too old for combatant service, but such as were of military age, or anywhere near it, did their duty. Among those killed, without counting many who served in the field with credit and are still alive, and exclusive also of casualties among her relations on my father's side* were her own nephew and great-

* At the outbreak of the war, my father's family—counting up to cousins of all degrees—had only five male members living, and of these two were over and two under military age. The fifth, my cousin, Hugh Duff, alone, was in the prime of young manhood. Though not a professional soldier he instantly volunteered, and being a very fine horseman joined a mounted unit. Finding, however, that cavalry were not likely to be much in request, he exchanged into an infantry regiment, rose rapidly to the rank of major, won a D.S.O. and an M.C., and was eventually killed near Cambrai. My two younger cousins, who were scarcely more than children when war was declared, went into the fray the moment they could get a chance. One of them, hearing that lads too young for the army were accepted by the sister service, ran away from his home and parents, joined the navy as an ordinary rating, and served in that humble capacity until he was promoted midshipman after being wounded at the battle of Jutland. The other boy obtained a commission in the Argyll and Sutherland Highlanders, went to France, and was there so badly hit as to put him out of action for the rest of the war. Of the remaining two members of the family, both of whom were over forty when hostilities began, one served throughout the East African campaign, while the other, having volunteered for active service and been rejected by the doctors for neuritis and heart disease, applied himself to such local war work as he could, though much hampered by his infirmity, from which, soon after the Armistice, he died.

nephews, the son and grandsons of her sisters, Lieutenant Arthur Fleming, Major Graham Bosanquet, and Lieutenant Martin Robertson-Glasgow, together with Lieutenant Claud Temple, her cousin.

X. I will close these notes with a few words about my dear mother as I remember her. She was born at Quebec in 1838, and died at Bath in Somersetshire in 1921. During my father's lifetime she moved about the world a great deal, accompanying him to all the countries in which he served, including Canada, Malta, Corfu, and various parts of India, but after her second marriage, when her health was not as good as it had been, she lived chiefly at Bath, the climate of which suited her better than most places.

My mother was a very pretty woman—or so I always thought—with the fair hair and deep blue eyes often met with in her family. She was a true Sewell in character too; all her instincts were warm and generous, and, despite her rather imperious temper, there was something irresistibly attractive in her transparent honesty and simplicity, her freedom from affectation of any kind, and her vivid sympathy for everyone in trouble. I think I have never known any human being so incapable of dissimulation as she was. If, indeed, sincerity can be carried to the point of a fault, it was so in her case, for on any subject on which she felt strongly she would express her views, which were often extreme, with a candour which, in some people, might have given serious offence. But her nature was so winning, so utterly without gall, she was so eager to make amends if she unwittingly hurt anyone's feelings, that none but a churl could have been vexed with her for long. As a matter of fact, no woman ever had more devoted friends, which was in truth a peculiarly fortunate circumstance, for in all matters of business she was as helpless as a child.



ALICE SEWELL (LADY RUSSELL).



This was due in part to the sheltered way in which she had been brought up and to her old-fashioned ideas about women's place in the world. She firmly believed that all the serious questions of life outside purely domestic matters were the proper concern of men and, acting on that obsolete maxim, whenever she found herself in any kind of difficulty, she would simply turn to the nearest male relative or friend available and fold her hands until he had set her affairs in order. With a woman of less charm this policy might not have answered, but in her case it never failed. From the cradle to the grave, especially during her first widowhood, when her sons were too young to help her, and during her second, when they were far away, some trusty counsellor always seemed to rise out of the earth to give her the protection and advice she needed, while in those personal sorrows which call rather for feminine sympathy than masculine aid she was equally fortunate, for she had just as many and as faithful friends among her own sex as among ours.

My mother was very clannish and never forgot anyone related in any degree to her family, of which she was extremely proud and fond. At the same time, it is impossible to imagine a woman more free from the least taint of snobbishness than she. One of the sweetest traits in her character was her unquenchable compassion for the poor devils and under-dogs of this world. There was, it must be admitted, a touch of arrogance in her temper at times, and she would show it sharply on occasion towards comfortably placed persons if they happened to offend her, but towards the unlucky and the afflicted, never. Real misfortune always seemed to disarm whatever was hasty or imperious in her nature. "*Parcere subjectis et debellare superbos*" might have been her motto.

My mother was singularly fortunate in the devotion

of her children, especially in that of her youngest daughter, my half-sister, Penelope, who attended to her throughout the later years of her life with constant tenderness. Her health first began to fail seriously during the world war. I was then serving in East Africa, and, as the campaign there dragged on from one year to another without any prospect of a final decision, I began to fear that I should not see my mother again. She was, however, spared until after my return to England in 1919. Eighteen months later my duties required me to revisit Africa. I was loth to leave her, for she was by that time very weak and ill, but there was no help for it, and she urged me to go, although both of us knew in our hearts that we had met for the last time—and so it proved. She died in my absence on the 18th April, 1921.

It is difficult, I suppose, for any man to write about his mother quite impartially. Mine had the faults of her temperament, I daresay ; but if charity be the greatest of all virtues, and if the pure in heart are blest, her life needs no apology—least of all from her son.

CHAPTER VII.

THE HERALDRY OF SEWELL.

The arms claimed and borne for centuries by the Sewells of New England, and by their ancestors in the United Kingdom, are: "Sable, a chevron between three bees volant, argent"; their crest being: "Within a chaplet of roses, argent, leaved vert, a bee Or." The whole question of these Arms is, however, obscure and confusing for, although the archives of the Heralds' College contain several Sewell coats in which flying bees appear, the actual bearings described above are shown there in the name of another family, to wit, that of Girlington, having been originally recorded at the College by Nicholas Girlington, of York, in 1563.

The contention of the Sewells is that these arms belonged to their ancestors long before the said Nicholas got an assignment of them, and probably before the Heralds' College was founded in 1483. There is, in fact, considerable reason for supposing that this assertion is well founded, and that the family either had a prior grant, which was lost, or, at any rate, that they could have shown long user of the coat, prior to 1563, on such grounds that, had they applied for a formal patent then, or at any time before then, the Heralds' College would not have refused it.

Of course, the mere circumstances of certain arms having been used by a particular family from one generation to another for a very long period is not in itself any

proof of title to them. This is a point which it is the more important to bear in mind, because it is so often misunderstood. There is generally a tendency to assume, as a matter of course, that whatever has existed so long must be based on proper authority, and so a man whose



ARMS CLAIMED AND BORNE FOR 300 YEARS BY THE SEWELLS OF
NEW ENGLAND AND THEIR ANCESTORS IN WARWICKSHIRE:

“ Sable ; a chevron between three bees, volant, Argent.”

right to bear this or that coat of arms is questioned may answer, in perfectly good faith and very likely with some indignation, “ Why, they were borne by my father, my grandfather, and my great-grandfather, and by their fathers before them. They appear on our silver, on our seals, on the tombs of our ancestors for centuries.

There cannot possibly be any flaw in our title to them." But it is not so. That long user is in itself quite inconclusive. At most, it only raises a presumption of right. The right itself cannot be validly created by any length of user whatever. It must be proved independently.

We should be careful, therefore, not to assert a legal title in our Sewell forbears to the arms in question merely upon the ground of their having claimed and borne them for any period, however extended—and they have undoubtedly done so for three hundred years or more. But, apart altogether from that, there is a great deal of independent historical and official evidence pointing in the same direction.

Thus, for instance, Fuller, in his *Worthies of England* (vol i, p. 533), mentioning John Sewell, Sheriff of Essex, in 1382, gives his arms as "Sable, a chevron between three gadde-bees, argent."

So again Lysons, in his *History of Bedfordshire*, states that in the church of Houghton Regis, near Dunstan, in that county, there is an effigy of a knight in armour, representing Sir John Sewell who flourished in the time of the Black Prince, which, says this writer, "has the arms of Sewell—a chevron between three butterflies."

Evidently Lysons mistook the bees in this case for butterflies, as he might well have done, for the monument in question is extremely old and has been described by the late Rev. H. D. Sewell, of Headcorn (my great-uncle), who personally inspected it, as "defaced with whitewash and mutilated."

Even as late as 1638 the three flying bees were acknowledged as the armorial ensigns of the Sewells by a prominent official of the Heralds' College itself, namely John Gwillim, Rouge Croix Pursuivant, who, in a heraldic treatise of that date makes this explicit statement:—"SEWELL. He beareth three bees volant." This re-

cognition is not, of course, quite so much to the point as the others since it does not mention the chevron, or the metals and tinctures of the blazon, but, taking one authority with another there is very weighty reason to believe that the coat, "Sable, a chevron between three bees volant, argent," was indeed borne by persons of the name of Sewell from an exceedingly remote period, certainly long before its assignment to the Girlingtons—and if that is so we may be sure that it was not so borne then without proper authority, for we must remember that in those distant times the science of heraldry, now regarded by most people as little more than a hobby, was held in profound and universal respect; the right to arms was jealously guarded, and no man would have dared to use a heraldic coat without justification, or could have hoped to escape detection and punishment if he did.

There are, however, to my mind two serious difficulties in the way of the claim advanced by my mother's family with regard to these arms even if we conclude, as we justly may, that they were legitimately borne by John Sewell, Sheriff of Essex in 1382, and by Sir John Sewell before him. The first of these difficulties is that the earliest date to which our Sewell descent can be traced with absolute certainty is about 1500—1540, viz., the lifetime of the William Sewell who married Matilda Horne in the latter year (see Chapter I). It is true that this William Sewell has been assumed, by some of our family genealogists, to have been a lineal descendant of the knights and gentlemen of his name, who bore the silver bees and chevron on the black shield in the fourteenth century; and it may be that he was. But the evidence on that point, though by no means without significance, is too conjectural to warrant us in accepting it as conclusive.

However, even if we put that aside, and assume

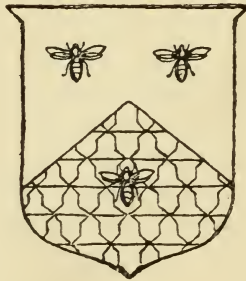
for the sake of argument that our Sewell forbears of the sixteenth century were indeed entitled to the coat in question in the sense that they could then have proved their claim to the satisfaction of the official heralds of their day, the fact remains that they did not do so, and that in 1563, seventy-five years after the Heralds' College was incorporated, they allowed Nicholas Girlington, without, apparently, any protest on their part, to obtain a patent of those identical arms for himself and the descendants of his body for ever.

This objection, as far as the legal right to the arms is concerned, is obviously fatal to the Sewells. The registers of the Heralds' College are the only constitutional proof of title in such matters, and in those registers the bearings in question are assigned to Girlington. The Sewells may urge that they had a natural prior right, that the alienation of the coat was due to a mistake, and so forth, but the answer to such pleas is always bound to be the same, viz., that if the assignment to Nicholas Girlington was open to objection it should have been challenged three hundred and sixty years ago.

It is very interesting to trace in the records of the Heralds' College the different attitudes which various branches of the Sewell family have taken up on the subject of the disputed coat since its acquisition by the Girlington. Some, bowing to the inevitable, have abandoned their ancient claim altogether, and wishing, it would seem, never to be reminded of it again, have obtained fresh patents for arms of a totally dissimilar kind. One of the first to do this was Robert Sewell, described as a "Gentleman of His Majesty's Privy Chamber," who in 1667, about a century after the Girlington assignment, took a grant of "Argent, on a bend gules three martlets of the field." Several other families of the name, following this example, have since registered arms based on the

above, and displaying martlets in various parts of their escutcheons, the latest grant of that type having been made in 1843, in favour of John Goulding Sewell, of Scopwick in the county of Lincoln.

A second group, acting on the principle that half a loaf is better than no bread, and desiring to retain in their coats some trace, at least, of the lost bearings of their ancestors, have accepted patents showing the old



SEWELL, QUARTERING ASSIGNED BY WARRANT OF THE EARL MARSHAL OF ENGLAND TO THE LATE PERCY AMBROSE SEWELL HICKEY, IN MEMORY OF HIS MOTHER, EMILY, DAUGHTER AND HEIRESS OF ROBERT SHORE MILNES SEWELL:

“ Per chevron Sable and Vair; three bees volant, Or.”

Sewell bees indeed but with various marks differentiating them from those assigned to Girlington. Thus in 1897 a coat showing bees both in the arms and crest was granted to Thomas Davies Sewell, and, two years later, Frederick Robertson Sewell, of Brandlingill in Cumberland, obtained a patent of the arms, “Gules, a chevron between three bees volant proper and a chaplet of roses in base, Argent.” So, too, the late Percy Sewell Hickey, as already mentioned

in Chapter I, accepted a Sewell quartering of "Per chevron, Sable and vair, three bees volant Or."

A third group, however, modelling its action on die-hard principles, has persistently declined to content itself with any alternative bearings at all and has continued to claim and use the ancient coat, "Sable, a chevron between three bees volant, Argent," in its original form, in good faith, but without heraldic authority. This is the course which has been followed by most, though not all, of the New England Sewells and their descendants, as well as by some families of the name in the United Kingdom. Arising as it does out of a sincere belief in a probably well-founded tradition, and a natural pride in the arms so long associated with their ancestors, this uncompromising attitude is intelligible enough and not undeserving of sympathy; but at the same time it puts those who adhere to it in a position which must in any case be anomalous, and for all practical purposes is, I am afraid, untenable.

The following are the arms of some of the principal families with whom our direct Sewell forbears have intermarried:—

**Pyldren* : " Azure, three fleurs-de-lys Or; on a chief of the second a demi-lion of the first."

**Dummer (Domer)* : " Azure, a crescent between six billets Or, three, two and one."

**De Quincy* : " Gules, seven mascles conjoined Or, three, three and one."

†*Livingston of Callendar* : " Quarterly, first and fourth, Argent; within a double tressure flory counter-

* Salusbury's Pedigrees.

† Lyon Register.



ARMS OF DUFF OF CLYDEBANK SURMOUNTED BY BADGE SHOWING THE BEE OF SEWELL, CHARGED UPON THE CINQUEFOIL OF LIVINGSTON.

flory Vert, three cinquefoils Gules (*for Livingston*).
Second and third, Sable; a bend between six billets,
Or (*for Callendar*)."

**Duff of Clydebank*: "Per fesse dancetté Vert
and Ermine. In chief a stag's head cabossed between
two escallops Or."

**Russell of Clifton, since of Ashford Hall*: "Argent,
on a chevron between three crosses crosslet fitchée Sable
an eagle's head erased Or. A bordure engrailed Gules,
charged with eight plates."

* College of Arms.

CHAPTER VIII.

THE HOUSE OF LIVINGSTON.

SHOWING THE CONNECTION BETWEEN THE FAMILIES OF SEWELL AND LIVINGSTON THROUGH THE MARRIAGE OF CHIEF JUSTICE JONATHAN SEWELL TO HENRIETTA, DAUGHTER OF JANET (*née*) LIVINGSTON, A LINEAL DESCENDANT OF THE FOURTH LORD LIVINGSTON OF CALLENDAR

The various stocks with which the Sewells of Warwickshire and New England have intermarried at different times include many of considerable interest and importance, such as the Pyldren-Dummers, de Quincys, Stewarts, Temples and others, but I have purposely refrained from attempting to trace any of these collateral lines in detail for reasons already stated.

There is, however, among our allied houses one so unique in its antiquity, its splendour, and its misfortunes, that I cannot wholly exclude it from mention even in this short memoir. I refer to the unhappy but illustrious race of the Livingstons, in whom were vested, between the fifteenth and eighteenth centuries, the Earldoms of Linlithgow and Callendar; the Viscountcies of Teviot and Kilsyth; the baronies of Almond, Campsie, and Livingston of Hyndford; the baronetcies of Newbigging, Dunipace and Westquarter, all now extinct through failure of male issue; the barony of Livingston of Callendar, the oldest of all the peerages held by this family, attainted of high treason; the Earldom of Newburgh, the Viscountcy of Kynnaired and the barony of

Livingston of Flacraig, only saved from annihilation by a female remainder, through which these titles, alone of the hereditary honours of the Livingstons, have been preserved to this day, albeit upon foreign soil, having passed successively, through a series of romantic vicissitudes, from their original Livingston holders to the equally ill-fated Radcliffes, once Earls of Derwentwater, and from them again, through Count Mahony of Naples, to the Roman Princes Giustiniani-Bandini, in whom they are now vested.

It is a curious and sinister coincidence that the ruin of every surviving ennobled branch of the House of Livingston in Scotland, which had flourished there so long and with such extraordinary prestige, should have been compassed at last within the short space of a single generation—namely the last years of the seventeenth and the first of the eighteenth century. That so many of the family dignities should have been lost by attainder then is not surprising, for the Livingstons were uncompromising Jacobites and, with a few exceptions, they all adhered to the doomed cause of the Stuarts in the rising of 1715. But it is a truly remarkable fact that these attainders were closely followed in every case by actual extinction of the attainted line through failure of male heirs, and that a similar fate cut off at the same time even those ennobled branches of the House which had taken no part in the rebellion. Thus within the years 1690—1730 perished the long-descended lines of James Livingston fifth Earl of Linlithgow, fourth Earl of Callendar and eleventh Lord Livingston; of Charles Livingston, Earl of Newburgh; of William Livingston, Viscount Kilsyth; of Thomas Livingston, Viscount Teviot; and of Sir Alexander Livingston of Newbigging; so that that one generation was more fatal to this ancient family than all the turbulent centuries of its previous existence.

Thus, too, with these various titles and honours, the broad estates which supported them, the fortresses which defended them, the great mansions which reflected their splendour and dispensed their hospitality, have crumbled into dust or passed into the hands of strangers. The cradle of the race, the immemorial Peel of Livingston, is an utter ruin. So are the towers of Gorgyn and Craigmillar, and Drumry House, and the House of Dunipace, and the Castle of Haining. Kilsyth Castle, burnt by the troops of Cromwell, has never been restored. Callendar House, the most splendid of all the homes of the Livingstons, and intimately associated with the history of Mary Queen of Scots, was exposed to public auction after the attainder and forfeiture of the last Earl of Linlithgow and Callendar, and sold to the highest bidder, a merchant of Aberdeen. Kynnauld Castle has passed to the Murrays of Threipland. Westquarter House was sold by Major Fenton Livingstone, the heir of Admiral Sir Thomas Livingstone of Westquarter in 1909; while Parkhall, the last estate owned by any member of the Livingston family in Scotland, was similarly alienated by its owner only a few years ago.

Thus this historic race, after flourishing with so much renown from the days of Margaret the Maiden to the dawn of the eighteenth century, finds itself now landless in the country of its birth, all its honours attained or extinct, and all its male branches withered save one. Yet from that last surviving stock, transplanted to a new soil, the ancient House has risen again. The story of the migration of the two Robert Livingstons, uncle and nephew, descendants of the fourth Lord Livingston of Callendar, from whom the now prosperous American branch of the family derives its blood, and of the famous part played by these American Livingstons in the history of their adopted country both in peace and war, is as

romantic in its way as anything achieved by their forbears in Scotland.

Fortunately, the history of the Livingstons in both countries has been recorded with wonderful accuracy and completeness by Mr. E. B. Livingston, an eminent genealogist, who has devoted practically the whole of his life to this task, and who is recognized by the official heralds as a standard authority on the annals of his family. In pursuance of my own enquiries into the subject of our Livingston ancestors I had occasion to communicate with Sir J. Balfour Paul, Lyon King of Arms, and it was he who put me into touch with Mr. Livingston, whose two monumental works, *The Livingstons of Callendar* and *The Livingstons of the Manor*, have saved me the trouble of any further researches, for in their pages the descent of practically every known branch of the House of Livingston, both in the Old and New Worlds, is clearly shown.

Our own connection with the Livingstons is derived from my great-great-grandmother, Janet Livingston, who was a grand-daughter of Robert Livingston the Nephew, already mentioned. The genealogy of this branch, says Mr. Livingston in his book on the Livingstons of the Manor, “. . . is of special interest, owing to the fact that the only members of the House of Callendar, at the present day, whose descent can be traced in the direct male line from the old Lords Livingston of Callendar, are the descendants of the two Robert Livingstons, uncle and nephew, whose pedigree is given below.”

Of this pedigree, and of the links by which it is connected with our own, the following is a brief outline:—

I. Sir Andrew Livingston, one of the Scottish knights summoned by writ of King Edward I (24th May, 1297) to attend his expedition to Flanders, was killed in the same year in Wallace's revolt. By his wife, Lady Elene

de Quarantley, he had among other children a son, namely :—

II. Sir William Livingston, Knight Banneret, of Gorgyn, Craigmillar and Drumry, who was a firm adherent of the Bruces, and fought against the English at Halidon Hill (19th July, 1333). He died in 1339. By his wife, Margaret, a daughter of Fergus, Lord Comyn, he had two sons. From the eldest, John, sprang the Livingstons of Drumry (extinct on the death of Sir Robert Livingston, eighth of Drumry, at Flodden Field in 1513); Viscount Teviot (extinct 1710); and the Livingstons of Jerviswood and Newbigging (extinct 1718). From the younger son descended the greatest of all the Livingston stocks—the House of Callendar. This son was—

III. Sir William Livingston, Knight Banneret, of Callendar. Like his father he valiantly supported the cause of the House of Bruce and was taken prisoner at the battle of Neville's Cross in 1346. The lands of Callendar having been forfeited by their owner, Sir Patrick de Callendar, for adherence to the English, were bestowed about 1350 on Sir William Livingston, who soon afterwards married Christian de Callendar, Sir Patrick's only child. This sounds romantic, but Livingston's real object in espousing the disinherited maiden was probably to safeguard his title to the Callendar estates. At that time it was uncertain whether the English might not eventually obtain the upper hand in Scotland, and Sir William must have realised that if that happened his claim to the lands in question would be immensely strengthened by the fact of his marriage to the lady whose father had lost them through his adherence to the English cause.

As one of the Scottish magnates who afterwards negotiated the treaty of peace with England, Sir William Livingston's seal of arms is attached to that document,

which is still preserved, and which bears date 5th October, 1357. This is the oldest Livingston seal in existence, and shows the original arms of the family (Argent, three cinquefoils Gules) quartered with the bearings of Callendar (Sable, a bend between six billets, Or) which coat has been borne by all the lineal descendants of William Livingston and Christian Callendar, in the male line, to this day, including the American Livingstons through whom our own connection with the House of Callendar is derived.

Sir William Livingston of Callendar died on or before the 30th November, 1364, leaving four sons. Of these, the eldest, Patrick, died while a hostage in England, during his father's lifetime. The second son and heir was—

IV. Sir John Livingston of Callendar, killed at the battle of Homildon Hill in 1402. By his first wife, a daughter of John Menteith of Kerse, he had several sons. From the second of these sprang reputedly the line of the Livingstons, Earls of Newburgh, and that of the Livingstons of Westquarter, both now extinct. Another younger son, William Livingston of Balcastle, founded the important house of the Livingstons of Kilsyth, afterwards Viscounts Kilsyth (extinct 1733). Sir John's eldest son and heir was—

V. Sir Alexander Livingston of Callendar, a man of transcendent ability and far-reaching ambition, who left his mark deeply on the Scottish history of his time. He was the favourite counsellor of James I (of Scotland), after whose death he acted as guardian to the young King, James II, during his minority, and, in that capacity was for some time the virtual ruler of Scotland.

Even in the turbulent age in which he lived, Sir Alexander Livingston was distinguished by his uncommon boldness and decision of character. These qualities are apparent in everything he did, but are nowhere more

strikingly shown than in his high-handed interference with the re-marriage of the Queen-Mother, Joan Beaufort, grand-daughter of John of Gaunt and widow of James I. This singular affair and other violent passages in the life of Sir Alexander are very well described by Mr. E. B. Livingston in his *Livingstons of Callendar*, pp. 38-49.

During his eventful career Sir Alexander Livingston filled various offices of the highest dignity and importance, including those of Justiciary of Scotland and Ambassador to England. He died in 1451. By his wife, a daughter of James Dundas of Dundas, he had, among other children, two sons, of whom the younger, Alexander Livingston of Feldes, Constable of Stirling Castle, was the ancestor of the Livingstons of Dunipace (extinct 1678). The eldest son and heir was—

VI. James Livingston, afterwards created first Lord Livingston of Callendar. He succeeded his father as guardian to James II and became Great Chamberlain and Master of the Household to that monarch, who always held him in high esteem, and, in 1454, raised him to the peerage of Scotland as already stated. The first Lord Livingston died in 1467. By his wife, Marion, a daughter of Thomas de Berwick, he had three sons, of whom he was succeeded by the eldest, namely, James, second Lord. This peer dying without issue, the line of the House was carried on by his younger brother, to wit—

VII. Alexander Livingston, second son of the first Lord. This Alexander is known to have married, but the name of his wife has been lost. He died in 1472, leaving a son, namely—

VIII. James Livingston, who, in 1497, succeeded his childless uncle as third Lord Livingston of Callendar. This peer was twice married, and died in 1503. By his first wife, Beatrice, daughter of the first Lord Fleming, he had a son, who succeeded him, namely—

IX. William, fourth Lord Livingston of Callendar, who married Agnes Hepburn, and died in 1518. He had two sons, Alexander and James, of whom the elder, Alexander, succeeded him as fifth Lord. At this point, however the particular descent with which we are concerned, namely, that which runs from the Scottish to the American Livingstons, leaves the elder line and proceeds through that of the younger son. This, our own, branch of the House of Callendar, is now the only male stock of that family which survives, for the blood of Alexander, the fifth Lord, after being transmitted by his heirs for another six generations, failed in the male line on the death of the eleventh Lord (fifth Earl of Linlithgow and fourth of Callendar) in 1723, in consequence of which the representation of the House, from that time, descends (as the barony of Livingston, but for its attainder in 1716 would likewise have descended) through the posterity of the fifth Lord's younger brother, our own ancestor, namely—

X. James Livingston, second son of the fourth Lord. This James Livingston fought at the battle of Pinkie (10th September, 1547) under the command of his relative, James Hamilton, Earl of Arran, and was there killed, as was also the Master of Livingston, his nephew. James Livingston left a son named—

XI. Alexander Livingston, who became the first reformed (*i.e.*, Protestant) Rector of Monyabroch. It must be remembered that in those distant times the livings of the Scottish church, instead of being disposed of, as now, by the votes of the parishioners, were in the gift of the territorial aristocracy, whence it happens that they were then usually filled by the cadets of noble or gentle families, as continued to be the case in England until much later. The rectory of Monyabroch was the principal family living of the House of Callendar, and

Alexander Livingston was presented to it in 1559 by his first cousin, William, the sixth Lord Livingston, his Catholic predecessor having been Master Alexander Erskine, younger son of the fourth Lord Erskine.

Master* Alexander Livingston married in or about 1570 his kinswoman, Barbara Livingston, daughter of Alexander Livingston of Inches, and grand-daughter of William Livingston, fourth of Kilsyth.† The Livingstons had an incorrigible habit of espousing their cousins, and Master Alexander's two children both followed his example in this respect, his daughter Katherine wedding her relative James Livingston, of the Livingstons of Belstane, while his son took to wife Agnes, daughter of Alexander Livingston of the Halls of Airth. The confusion caused by these frequent inter-marriages, coupled with another Livingston habit, viz., that of constantly repeating the same Christian names, Alexander, William and James, makes it very difficult to distinguish between the various members of the family, whose nomenclature is thus mixed up and has been a source of much trouble to the genealogists of the House, both in Scotland and America. Alexander Livingston's son above mentioned was—

XII. William Livingston, born at Kilsyth Castle in 1576. When only twenty years old he was presented by his kinsman, Alexander, seventh Lord Livingston, afterwards first Earl of Linlithgow, to the family living of Callendar in Perthshire, but, finding that his ignorance of the Gaelic language stood in the way of his properly

* This prefix refers to the degree of Master of Arts held by him and by his son and grandson (*q.v. infra*).

† Barbara Livingston is described in contemporary documents as "come of the House of Kilsyth." I supposed her at first to have been a daughter of the fourth Laird of Kilsyth, and am indebted to Sir J. Balfour Paul, Lyon King of Arms, for the information that she was, in fact, his grand-daughter.

discharging the duties of this Highland parish, he was eventually transferred, by the same patron, to the rectory of Monyabroch in succession to his father. This Master William Livingston married three times, and by his first wife, Agnes Livingston aforesaid, had, among other children, a son named—

XIII. John Livingston, born at Monyabroch on the 21st June, 1603. John, like his father, entered the Church, and held various livings, of which the last was Ancrum in the county of Roxburgh, whence it happens that he is usually referred to in the family annals as Master John Livingston of Ancrum. This celebrated man was one of the most eminent divines in the history of the Church of Scotland, and, after the lapse of more than two hundred years, his name is still well remembered in that country. He was nearly always in trouble of one kind or another, being of an uncompromising character and essentially a fighter, as anyone could tell from his original portrait now in the possession of the Earl of Wemyss, which shows a face singularly massive, rugged and sombre. At the very outset of his career he became involved in a bitter dispute with the Bishop of Glasgow, and from then onward he was constantly being censured for insubordination, and was more than once suspended from his holy office. Yet, in spite of all this, "Worthy, famous Mr. John Livingston," as he is affectionately called by contemporary chroniclers, carried more weight with the Scottish people than any churchman of his time.

On this account, and partly, too, perhaps by reason of his aristocratic connections, he was chosen as one of the Commissioners who, in 1650, proceeded to Holland to negotiate with the then Prince of Wales, afterwards Charles II, the terms on which the Scottish nation was prepared to support the restoration of the Stuart dynasty, and it was Livingston himself who administered to the

young prince the oath by which he swore to observe the Solemn League and Covenant. When, after his recall to the throne, Charles broke this promise, Livingston refused to recognise him as head of the Scottish Church, in consequence of which this brave and honest man was banished to Rotterdam, where, in August, 1672, he died.

John Livingston married, on the 23rd June, 1635, Janet, daughter of Bartholomew Fleming.* His own account of his courtship reads very quaintly. He says that he spent "nine months seeking a direction from God" before he could make up his mind to propose to the lady, and admits that it was not until some time after the wedding that he succeeded in developing the "proper marriage affection" towards her. However, in spite of this rather unpromising start, the pair lived very devotedly together for many years, and had fifteen children, so everything seems to have come right in the end.

Of John Livingston's eight sons but three survived him, and only two have male posterity living at this day, namely James and Robert. The latter, born at Ancrum, on 13th December, 1654, and destined to become the most celebrated of his family, emigrated in 1673 to America, where he acquired extensive lands on the Upper Hudson river, in what is now the State of New York. So greatly did Robert prosper in the New World, and such were his influence and importance there, that in 1686, when he was only thirty-two years old, his estates on the Hudson were erected by a grant from Governor Dongan, afterwards confirmed by

* She was a kinswoman of the Earl of Wigton who, with his eldest son, Lord Fleming, attended the wedding. There are several instances of Livingston intermarriages with this family, beginning with that of the third Lord Livingston, whose wife, as already stated, was a daughter of the first Lord Fleming.

George I, into the "Lordship and Manor of Livingston with rights of Court Leet and Court Baron, and all other manorial and feudal privileges," to which favours was added in 1715 the further right of nominating a special representative for the Manor of Livingston to sit and vote in the Colonial House of Assembly.

Thus, within the marvellously short space of twelve years, and at a distance of three thousand miles from the home of his ancestors, did this younger son of a poor Scottish clergyman lay anew the foundations of his nobly descended line. From the circumstance of his having been thus the originator of the since famous family of the Livingstons of the Manor, and the first to receive a grant of the honours and privileges above mentioned, Robert Livingston is generally referred to in the annals of his House as "Robert the Grantee." He died at Boston, Massachusetts, 1st October, 1728, and was succeeded in the lordship of the manor of Livingston by his son Philip, whose descendants own a large part of the original manorial estates to this day.*

Mr. E. B. Livingston's book on the Manor family, already quoted, gives a full and most absorbing account of the succession of celebrated men whom this branch of the Livingstons has produced—of Philip Livingston, commonly called "Philip the Signer"†; of Robert Livingston, the Chancellor; of Edward Livingston, the Secretary of State and Minister to France; of General Henry Livingston, of William Livingston first Governor of the State of New Jersey, and many others, and of the great part played by them in the history of the United

* So vast were the landed possessions of the American Livingstons at the time of the War of Independence that they are said to have staked more on the issue of that struggle than any other family in the American Colonies.

† Because he was one of those who signed the American Declaration of Independence.

States. But though the line of the Manor has thus covered itself with honour, it is not the senior surviving branch of the old House of Callendar. That distinction belongs to the descendants of Robert the Grantee's elder brother, our own ancestor, namely—

XIV. James Livingston, second surviving son of John Livingston, of Ancrum, afore-mentioned, and the eldest who has male posterity alive at this day. Of this James Livingston little is known except that he was born in 1646, married a wife whose name cannot be traced, and left a son, namely—

XV. Robert Livingston, commonly known in the family annals as "Robert the Nephew," to distinguish him from his uncle, "Robert the Grantee," whom he joined in America in 1687. This Robert married Margareta Schuyler, daughter of Colonel Peter Schuyler, of Albany, New York, a member of the old Dutch *noblesse*, which at that time formed the backbone of American society.

Robert the Nephew died 21st April, 1725, leaving several children, of whom the eldest son was—

XVI. James Livingston, born at Albany in 1701. With him our own descent from the male line of the House of Callendar ceases, passing next, for the first time in nearly four hundred years, through an ancestress in the person of one of the said James Livingston's daughters. Before speaking further of her, however, I shall trace briefly the continuation of the male line of her family through her brother, James Livingston's eldest son.

This son, Robert William Livingston, married Susanna, sister of Chief Justice William Smith, already mentioned (see Chapter V). Of Robert James Livingston's sons, the eldest who survived and left issue was that very well-known character in his day, Colonel William Smith

Livingston, "Fighting Bill," of the American War of Independence. This Colonel Livingston it was who, being urged to take steps for getting the old barony of Livingston called out of attainder in his favour, made the characteristic answer, much acclaimed in the United States at the time, that proud as he was of his ancestors, he would rather remain an American citizen, as he had been born, than be a Scottish lord.

"Fighting Bill's" eldest sister was the famous beauty Mary Maturin, whose extraordinary loveliness has passed into a family tradition. She married Captain Gabriel Maturin, Military Secretary to Sir Guy Carleton, afterwards Lord Dorchester. Another of her brothers (the youngest) was Judge Maturin Livingston, from whom the present well-known family of the Maturin Livingstons is descended, while yet another was that Robert James Livingston who, when a young lad of only sixteen, ran away from school to join the vanguard of the American army on the eve of the battle of Trenton, and falling severely wounded in the action which followed, was so romantically shielded from the cruelty of the Hessian soldiers by an unknown lady, as described in Delafield's *Life of William Smith* (p. 277).

Colonel W. S. Livingston above-mentioned married Catherine Lott and had eleven children, including two sons. One of these entered the navy and was lost at sea, leaving no issue. The other, Francis Armstrong Livingston, succeeded his father in the headship of the family, married, and was in due course himself succeeded by his son William Smith Livingston, second of that name.

William Smith Livingston the second espoused his cousin, Susan Armstrong, and his eldest son by her, born on the 13th August, 1851, was named after him William Smith Livingston, as he himself had been similarly named after his grandfather.

This Mr. William Smith Livingston (the third) is still alive, and is the present head of the Livingston family and heir to the barony of Livingston of Callendar, of which, but for its attainder two hundred years ago, he would be, by right of descent, the seventeenth holder. He has been twice married. By his first wife, Mary Wigham, he has, besides a daughter, Frances, an only son, likewise named William Smith Livingston (the fourth),* born 20th May, 1888, and by his second marriage four sons and one daughter. William Smith Livingston the fourth married Ellen Barker, and has a son, Bruce Callendar Livingston, born in August, 1916.

It will thus be seen that the ancient line of Callendar, notwithstanding the many vicissitudes through which it has passed, still flourishes, and is in no present danger of meeting with the fate which has extinguished every other branch of this once numerous race. For the particulars of the descent above recorded, from Colonel W. S. Livingston of the War of Independence to his great-great-great-grandson, the child, Bruce Callendar Livingston of to-day, I am indebted mainly to the kindness of Mrs. James Glover, of Garrison, *née* Frances Livingston, sister of the present head of the family. The researches of Mr. E. B. Livingston, far-reaching as they are with regard to the history of the House in Scotland and of the Livingstons of the Manor, its junior representatives in America, do not follow the line of Robert the Nephew to within the last six generations, and Mr. Steele, of Los Angeles, California, to whom

* The habit of repeating the same Christian name, generation after generation, to which I have already referred as characteristic of the Livingstons in Scotland, has been preserved and even extended by their descendants in America. It will be seen from the above text that out of five successive heads of the family in the United States, no less than four have borne not only the same first name, but the same second name as well!

I was at first referred for information on the subject, could not help me very much, though he most kindly put at my disposal all the data in his possession. As the "Nephew" line is in fact the senior surviving branch of the family, and the one through which our own Livingston blood is derived, I was particularly anxious to trace its descent clearly to the present time, and I should like to take this opportunity of expressing my thanks to my kinswoman, Mrs. Glover, for having enabled me to do so.

I must now revert to James Livingston, of Albany, mentioned at the beginning of this note (XVI), through whose daughter our Livingston descent proceeds. This daughter was—

XVII. Janet Livingston, our great-great-grandmother, who was herself a great-great-granddaughter of John Livingston of Ancrum, great-great-grandson of the fourth Lord Livingston of Callendar. Janet Livingston, as already stated (Chapter V), married the Hon. William Smith, Chief Justice of the Supreme Court of New York and afterwards of Lower Canada. She died 1st November, 1819, leaving several children, but here again our descent passes in the female line through one of her daughters, namely—

XVIII. Henrietta, born in 1776, who married in 1796 Chief Justice Jonathan Sewell, our great-grandfather.

It will thus be seen that my half-sisters and myself, and all those of our Sewell cousins who stand in the same degree of relationship to Janet Livingston's daughter, are in the twenty-first generation of descent from the good knight, Sir Andrew Livingston, who was slain in 1297—six hundred and twenty-six years ago.

Of course, this connection, though clear and direct, and linked from parent to child the whole way, is nominally remote, since the nearest of our Livingston

ancestry who was actually born to that name, being a woman, could not transmit it to her children. But we are to remember that while the name of a family, like its entailed property and hereditary honours, passes through the male line, its blood, upon which the qualities which make or unmake it depend, is inherited irrespective of sex, and flows as freely through the veins of daughters as of sons.

In conclusion, I would say that it is difficult to write the tale of one's ancestors without some feeling of diffidence, lest the mention of great names should seem to savour of boasting. But, while "family prayers" would be out of place in any volume intended for the general public, it is otherwise with a mere private memoir like this, designed for circulation to relatives and personal friends alone. If, however, any apology is needed for what I have written, it cannot be better expressed than in those simple lines of the poet Shirley, which Mr. E. B. Livingston has prefixed to his great work on the House of Callendar, and which are so apposite that I cannot refrain from making use of them again to close this little book :—

"The honours of a name 'tis just to guard ;
They are a trust but lent us, which we take,
And should, in reverence to the donor's fame,
With care transmit them down to other hands."

Pedigree of Sewell for ten generations.

WILLIAM SEWELL, THE FOUNDER.
m. Matilda Horne, circa 1540.

Eldest son; HENRY SEWELL THE FIRST,
*m. Margaret, daughter of Alvarey Greysbroke,
of Stoke Hall, Middleton, Warwickshire.*

Second son; William Sewell,
m. Anne Wagstaffe.

Eldest son; HENRY SEWELL THE SECOND,
*m. 1stly, Mary, daughter and heiress of Thomas
Cawarden, of Mauesgyu, Ridware, and 2dly,
Anne Huut.*

Second son; Richard Sewell,
*m. Mary, sister of Sir Wil-
liam Dugdale, Garter King of
Arms.*

Daughter.

Daughter.

Only son (by second marriage); HENRY
SEWELL THE THIRD, *m. Jane, daugh-
ter of Stephen Pyldren-Dummer.*

Eldest son; Samuel Sewell, Chief
Justice of Massachusetts, *m. Anna,
daughter and heiress of the Hon.
John Hull.*

Second son; John Sewell, *m.
Anna Fesseuden. [From these
descend the Sewells of Maine.]*

Third son; STEPHEN SEWELL,
*m. Margaret, daughter of the Rev.
J. Mitchell.*

Daughter, Anne Sewell,
*m. W. Longfellow. [From
these descended the poet
Longfellow.]*

Daughter.

Daughter.

Daughter.

Daughter.

Eldest son; Major Samuel
Sewell, died unmarried.

Second son; JONATHAN SEWELL THE
FIRST, *m. 1stly, Elizabeth, dau. of Colonel
Alford, and 2dly, Mary Payne.*

Third son; Mitchell Sewell,
*m. 1stly, Mary Cabot, and
2dly, Elizabeth Price.*

Fourth son; Henry Sewell,
died in boyhood.

Fifth son; Stephen Sewell,
Chief Justice of Massa-
chusetts, died unmarried.

Sixth son; Benjamin Sewell,
died in infancy.

Daughter.

Daughter.

Daughter.

Daughter.

Eldest daughter
(by 1st marriage),
died s.p.

Second daughter
(by 1st marriage),
died s.p.

Only son (by second marriage); JONATHAN SEWELL THE
SECOND, last Royal Attorney-General of Massachusetts; *m.
Esther, daughter of Edmund de Quincy.*

Eldest daughter
(by 2nd marriage).

Second daughter
(by 2nd marriage).

Eldest son; JONATHAN SEWELL THE THIRD, Chief Justice of
Lower Canada, President of the Executive Council; *m. Henrietta,
daughter of Chief Justice the Hon. W. Smith.*

Second son; Stephen Sewell,
Solicitor-General of Lower Ca-
nada; *m. Jane Caldwell.*

Third son; Benjamin Sewell,
died in boyhood.

Daughter, died
in girlhood.

Eldest son; WILLIAM SEWELL
THE SHERIFF; *m. 1stly, Mary
Smith; 2dly, Lavinia Griffin.*

2nd son; Rev. E. W. Sewell; *m. 1stly, Susan
Stewart, grand-daughter of the 7th Earl of
Galloway; 2dly, Elizabeth, daughter of Major-
Gen. Durnford, R.E.*

3rd son; Robert Sewell,
*m. Louisa, daughter of
the Hon. W. Smith.*

4th son; Rev. H. D. Sewell,
*m. 1stly, Charlotte Mony-
penny, of Merrington Place,
Kent; 2dly, Edith Morgan.*

5th son; James
Arthur Sewell,
*m. Cornelia Mac-
rae.*

6th son; Montague
Sewell, *m. Charlotte,
daughter of Colonel
Wolfe, of Val Cartier.*

7th son; Col. Algernon Sewell,
15th Regt., *m. Henrietta, daugh-
ter of — Staples, Chief Justice
of Ceylon, died s.p.*

8th son;
died in
infancy.

Eldest daugh-
ter;
died in
infancy.

2nd daughter;
Henrietta-
Eliza, *m. Rev.
F. Lundy.*

3rd daughter;
Maria, *m. Major
H. Temple, 15th
Regiment.*

4th daughter, Fran-
ces, *m. Major T.
Davenport, 1st
Royal Scots.*

5th daughter; Eliza,
*m. John, son of the
Hon. D. Ross; died
s.p.*

6th daughter;
Charlotte,
died unmar-
ried.

7th daugh-
ter; died in
infancy.

8th daugh-
ter; died in
infancy.

Eldest son; William
Sewell, died unmar-
ried.

2nd son; Arthur
Sewell, died in
infancy.

3rd son;
Frederick
Sewell.

4th son; Harry
Sewell, *m. Sophia
Sexton.*

5th son; Herbert
Sewell, died un-
married.

Eldest daughter;
Mary, *m. John
Bonner.*

2nd daughter; Geraldine,
Mary, *m. Col. T. Bromhead Butt,
Cameron Highlanders.*

3rd daughter,
Gertrude,
died un-
married.

4th daughter; Alice, *m. 1stly,
John Pope Duff, younger, of
Edderton; 2dly, General Sir
Edward Russell, of Ashford Hall.*

5th daughter;
Isabel, *m.
Geo. Bonner.*

Only son by second
marriage, Arthur, *m.
Florence Wallack.*

Eldest daughter by second
marriage; Sophy, *m. Major
J. Fleming, 30th Regt.*

2nd daughter by second
marriage; Maud, *m. Col.
H. B. Winter, 7th Royal
Fusiliers.*

3rd daughter by second
marriage; Ruth, *m. John
Billett, died s.p.*

Sons by first marriage.

Daughters by first marriage.

Son by second marriage.

Daughters by second marriage.



THE SEWELLS IN THE NEW WORLD.

GIVING some account of an old Puritan family, from the reign of Henry VII to this day ; of its migration from Warwickshire to New England in the seventeenth century, and of the part played by some of its members in the history of British North America, with reference to the following, among other matters :—

The life and character of Henry Sewell, Mayor and Member of Parliament for the city of Coventry in the reigns of Elizabeth and James I, with extracts from his letters and will.

The oppression of the Puritans under Charles I ; the departure of the Sewells from their native country and the rise of their fortunes in the New World.

The notorious trial of the Witches of Salem before Samuel Sewell, Chief Justice of Massachusetts in 1692.

The story of Jonathan Sewell, the last Royal Attorney-General of Massachusetts ; of his adherence to the British cause during the American War of Independence ; of his subsequent exile and sufferings, with comments on his public conduct and opinions, extracted from the writings of his life-long friend, John Adams, sometime

Ambassador to England and President of the United States.

The career of Jonathan Sewell, eldest son of the above, for thirty years Chief Justice of Lower Canada and Speaker of the Legislature; his dramatic and literary genius; Mrs. Siddons' verses in his praise; his political adventures; Sir James Stuart's attack upon him; his impeachment and acquittal before the House of Lords; correspondence with the Duke of Kent; Sewell's scheme for the federation of British North America; how it was rejected by Lord Bathurst and carried at last by the advocacy of the first Earl of Durham and the support of Queen Victoria.

The descendants of Chief Justice Sewell, with notes on some of their inter-marriages, including a short memoir of the Chief Justice's granddaughter, Alice Duff, *née* Sewell, afterwards Lady Russell.

The Heraldry of Sewell, giving the history of the long-disputed arms: "Sable, a chevron between three bees, argent," with an engraving of that coat and of other Sewell bearings based upon it.

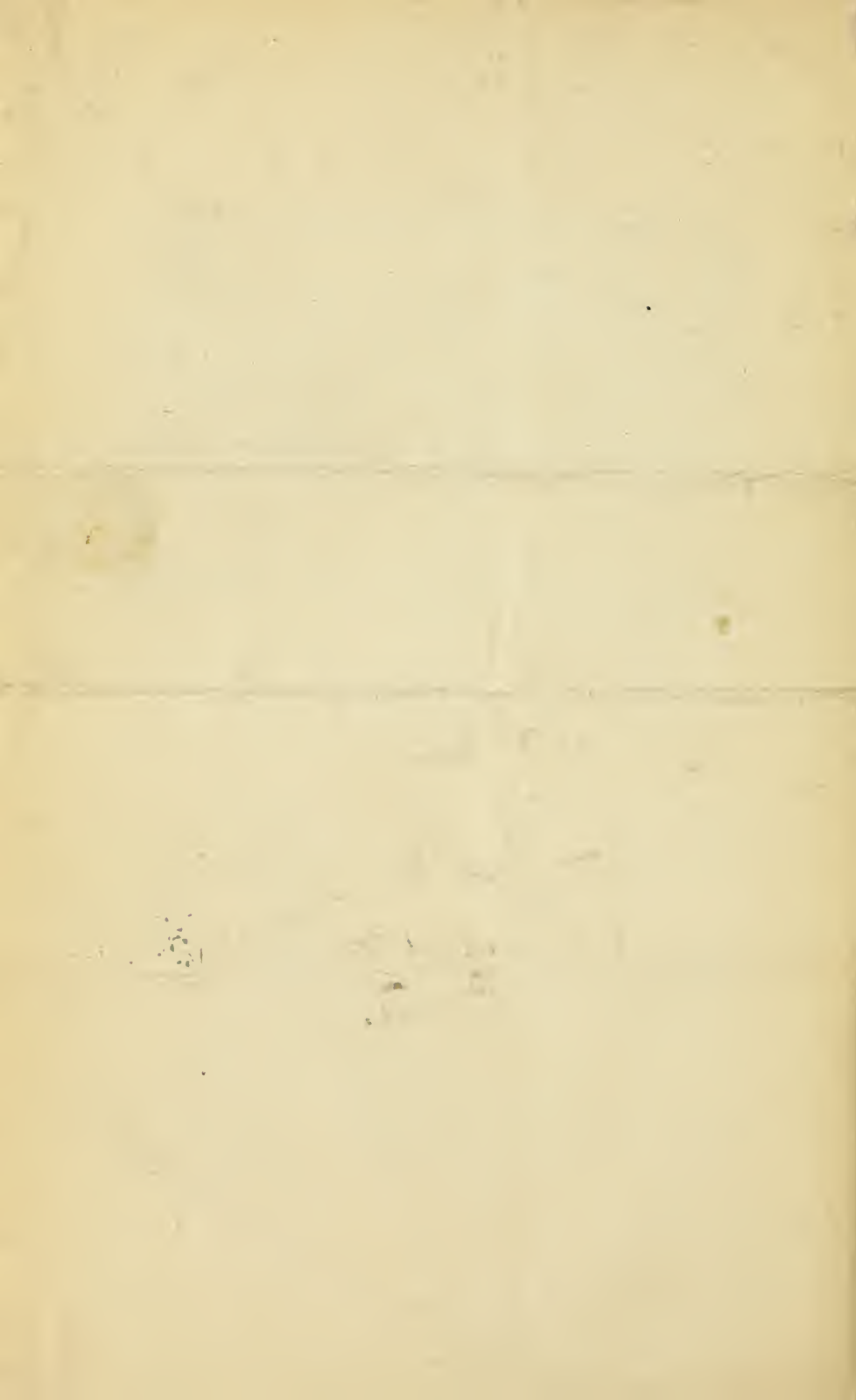
The House of Livingston and its double connection with the Sewells, tracing the descent of the Lords Livingston of Callendar in Scotland from 1297, and of their present representatives in America, the only direct survivors of their blood and name, and demonstrating the line of succession to the old barony of Livingston now under attainder. With notes on some Livingston peerages extinct.

A pedigree of Sewell from 1540, in tabular form, showing the ancestry of the Sewells of Maine; the descent of the poet Longfellow from Anne Sewell; and the inter-marriages of other branches of the Sewell family with various well-known stocks in the Old and New Worlds, including Horne, Greysbroke, Dugdale, Fessenden, Alford, Payne, Cabot, de Quincy, Caldwell, Stewart (Earl of Galloway), Durnford, etc., etc. By SIR HECTOR LIVINGSTON DUFF.

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